



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

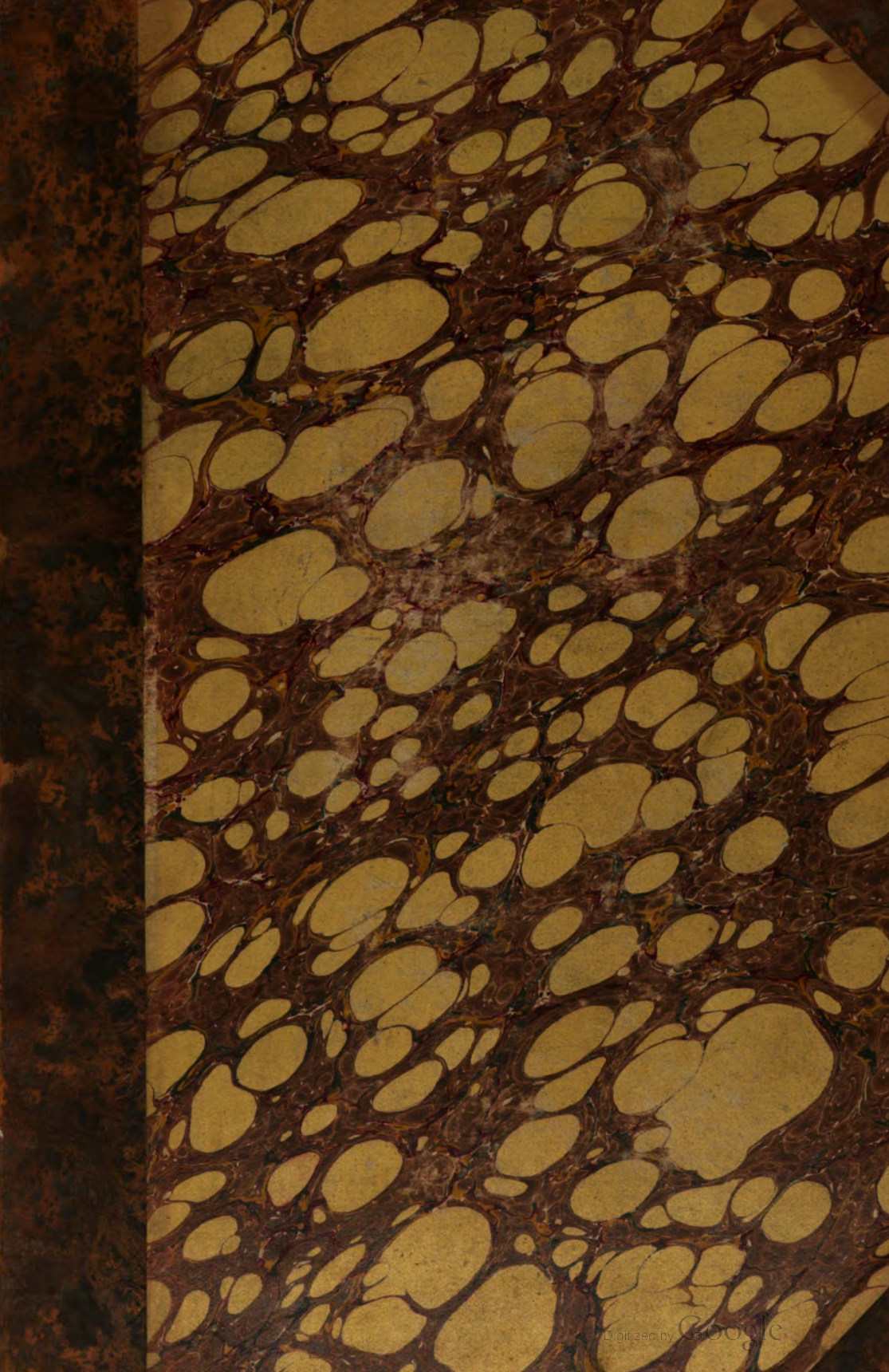
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

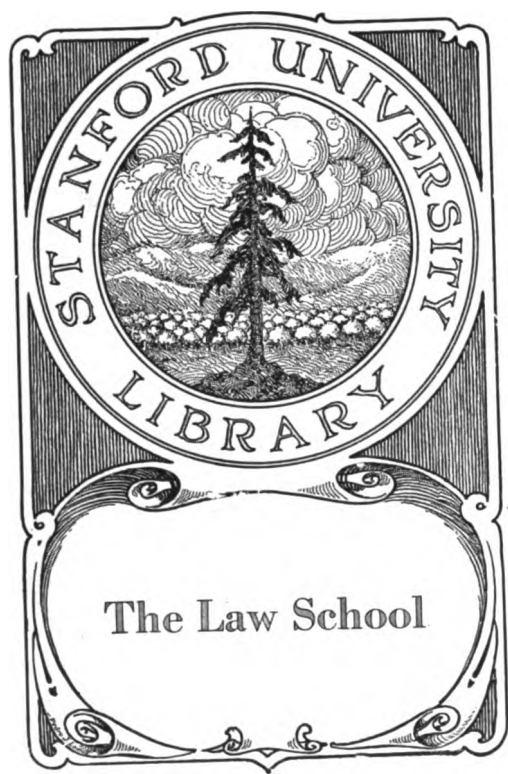
We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>





Canada Collection
Quebec

STATUTES
OF THE
PROVINCE OF QUEBEC.

PASSED IN THE

THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA;

AND IN THE FOURTH SESSION OF THE SECOND PARLIAMENT,

**BEGUN AND HOLDEN AT QUEBEC ON THE 3rd DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, AND CLOSED BY PROROGATION ON THE 23rd
DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.**



THE HONORABLE RENÉ-ÉDOUARD CARON,
LIEUTENANT-GOVERNOR.

QUEBEC:

PRINTED BY CHARLES-FRANÇOIS LANGLOIS,
PRINTER TO HER MOST EXCELLENT MAJESTY THE QUEEN.

ANNO DOMINI, 1875.

L11231

FEB 11 1936

VIA



ANNO TRICESIMO-OCTAVO

VICTORIÆ REGINÆ.

C A P. I.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the fiscal years ending on the thirtieth day of June, one thousand eight hundred and seventy-five, and on the thirtieth day of June, one thousand eight hundred and seventy-six, and for other purposes connected with the Public Service.

[Assented to 23rd February, 1875.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from the Honorable Preamble.
RENÉ EDOUARD CARON, Lieutenant-governor of the province of Quebec, and the estimates accompanying the same, that the sums hereinafter mentioned are or may be required to defray certain expenses of the government of this province, not otherwise provided for, for the fiscal years ending on the thirtieth day of June, one thousand eight hundred and seventy-five, and on the thirtieth day of June, one thousand eight hundred and seventy-six, and for other purposes connected with the public service ; may it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislature of Quebec, that :

1. From and out of the consolidated revenue fund of the \$146,768.68 for the year ending 30th June, 1875.
province of Quebec, there shall, and may be applied a sum not exceeding, in the whole, one hundred and forty-six thousand, seven hundred and sixty-eight dollars and sixty-eight cents, for defraying the several charges and expenses of the civil government and public service of this province, or which, in the interest of the public service, may require

to be so paid and applied, whether for account of this province or otherwise, for the current financial year ending on the thirtieth day of June, one thousand eight hundred and seventy-five, which are set forth in the schedule A, annexed to this act, and for the other purposes therein mentioned.

\$1,790,209.00
for the year
1875-1876.

2. From and out of the consolidated revenue fund of this province, there shall be, and may be applied, a sum not exceeding, in the whole, one million, seven hundred and ninety thousand, two hundred and nine dollars, for defraying the several charges and expenses of the civil government and public service of this province, or which, in the interest of the public service, may require to be so paid and applied, whether for account of this province or otherwise, for the financial year ending on the thirtieth day of June, one thousand eight hundred and seventy-six, which are set forth in the schedule B, annexed to this act, and for the other purposes therein mentioned.

Provide :

3. Nothing herein or in the schedules hereunto annexed, nor yet any payment or application whatever of moneys hereby appropriated, or of any part thereof, shall be held to import that such moneys are so paid or applied for charges or expenses of this province properly so called, or are not otherwise provided for, or are to be finally carried to account of the said consolidated revenue fund ; but on the contrary, every such payment and application shall be held only to be made provisionally from such fund, and subject to all rightful adjustment in account hereafter, in respect of the Dominion and of the province of Ontario, and of all special funds which the same may at all effect, and otherwise.

Accounts to be
laid before the
legislature.

4. Accounts in detail of all moneys expended under the authority of this act, shall be laid before both houses of the legislature of this province, at the then next session thereof.

Accounts to
Her Majesty

5. The due application of all moneys expended under the authority of this act, shall be accounted for to Her Majesty, her heirs and successors, through the lords commissioners of Her Majesty's treasury, in such manner and form as Her Majesty, her heirs and successors, shall be pleased to direct.

Coming into
force of this
act.

6. This act shall come into force on the day of the sanction thereof.

SCHEDULE

SCHEDULE A.

Sums granted to Her Majesty, by this Act, for the fiscal year ending on the 30th June, 1875, with indication of the purposes for which they are granted.

SERVICE.	—	—	—	
<hr/>				
II. CIVIL GOVERNMENT	\$	cts.	\$	cts.
Public Departments, Salaries.....			3,000	00
<hr/>				
III. JUSTICE, &c.				
Administration of Justice.....	32,000	00		
Police.....	3,350	00		
Prison Inspection.....	250	00		
Reformatory, Montreal.....	6,200	00	41,800	00
<hr/>				
IV. EDUCATION.				
Board of Arts and Manufactures.....			2,000	00
<hr/>				
V. IMMIGRATION AND COLONIZATION.				
Immigration.....	20,000	00		
Colonization Roads, 1st class.....	\$18,345	00		
do 2nd do	13,598	02		
do 3rd do	3,579	91		
	35,522	93	55,522	93
<hr/>				
VI. PUBLIC WORKS AND BUILDINGS.				
Rents, Insurances, Repairs, &c., of Public Buildings.....			8,000	00
<hr/>				
VII. CHARITIES.				
Lunatic Asylum under the charge of the Sisters of Providence, Montreal.....			8,000	00
Indemnity to Beauport Asylum Employees for losses of clothing, &c., in consequence of their efforts to save patients			945	75
<hr/>				
IX. COLLECTION, MANAGEMENT, &c., OF REVENUE.				
Registration Service.....	17,500	00		
Boundary Line, Quebec and Ontario.....	4,000	00		
Crown Lands, General Expenditure.....	6,000	00	27,500	00
			\$	146,768 68

SCHEDULE B.

Sums granted to Her Majesty, by this Act, for the fiscal year ending on the 30th June, 1876, with indication of the purposes for which they are granted.

SERVICE.	—	—	—
	\$	cts.	\$
I. LEGISLATION.			
<i>Legislative Council :</i>			
Salaries and contingent expenses, including printing, binding, &c.....		26,443 00	
<i>Legislative Assembly :</i>			
Salaries and contingent expenses, including printing, binding, &c.....		56,000 00	
Expenses of Elections.....		30,000 00	
Parliamentary Library.....		5,000 00	
<i>Clerk of the Crown in Chancery :</i>			
Salary covering ordinary contingencies.....		800 00	
Printing, binding and distributing the Laws.....		5,500 00	
<i>Law Clerk :</i>			
Salaries of office.....	3,000 00		
Contingencies comprising extra clerk and messenger.....	1,000 00	4,000 00	
			128,343 00
II. CIVIL GOVERNMENT.			
<i>Public Departments :</i>			
Salaries and contingencies.....			145,915 00
III ADMINISTRATION OF JUSTICE.			
Administration of justice.....		345,910 00	
Carried forward.....		345,910 00	274,258 00

SCHEDULE B.—(Continued.)

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....		245,910 00	274,358 00
ADMINISTRATION OF JUSTICE.—Continued.			
Police.....		21,350 00	
Reformatories.....		44,500 00	
Prison Inspection.....		3,700 00	415,400 00
IV. EDUCATION, &c.			
Covering Statutory Appropriations.			
Superior Education :			
Superior Education, proper.....	\$71,000 00		
High Schools, Quebec and Montreal.....	2,470 00		
Compensation to Roman Catholic Institutions for grant to High Schools.....	4,940 00		
	78,410 00		
Common Schools.....	155,000 00		
Schools in peer Municipalities.....	8,000 00		
Normal Schools.....	46,000 00		
Salaries of School Inspectors.....	24,000 00		
Books for prizes.....	2,500 00		
Journals of Education.....	2,400 00		
Superannuated Teachers.....	6,000 00		
Schools for the Deaf and Dumb.....	12,000 00		
		334,310 00	
Literary and Scientific Institutions.			
Medical Faculty, McGill College, Montreal.....	750 00		
School of Medicine, do	750 00		
Natural History Society, do	750 00		
Montreal Historical Society, do	400 00		
Numismatic and Antiquarian Society, do	100 00		
Carried over.....	\$ 2,750 00	334,310 00	689,718 00

SCHEDULE B.—(Continued.)

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought over.....	2,750 00	334,310 00	689,718 00
School of Medicine (Bishop's College,) Lennoxville.....	500 00		
Literary and Historical Society, Quebec.....	750 00		
Institut Canadien, do	500 00		
Académie de Musique, do	100 00		
Aid towards publication of "Le Naturaliste Canadien".....	400 00		
Towards providing aid to secure publication of reports of decisions of Law Courts at Montreal.....	1,000 00	6,000 00	
<i>Arts and Manufactures.</i>			
School of Arts (under Abbé Chabert).....	1,000 00		
Board of Arts and Manufactures.....	7,500 00	8,500 00	348,810 00
V. AGRICULTURE, IMMIGRATION AND COLONIZATION.			
<i>Agriculture.</i>			
Board of Agriculture.....	2,000 00		
Stone-breaking machines.....	2,000 00		
Agricultural Schools.....	2,400 00	6,400 00	
<i>Immigration.</i>			
Immigration and repatriement.....		50,000 00	
<i>Colonisation.</i>			
Colonisation Roads, 1st class, (provided the works for such colonisation roads shall be given as much as possible by public competition, whenever the grant exceeds four hundred dollars.).....	40,000 00		
do 2nd do	12,000 00		
do 3rd do	8,000 00		
Aid towards the establishment of Beet-root Sugar manufac- tories.....	5,000 00	65,000 00	121,400 00
Carried over.....			1,159,928 00

SCHEDULE B.—(Continued.)

SERVICE.	—	—	—
	\$	cts.	\$
Brought forward.....			1,159,928 00
VI. PUBLIC WORKS AND BUILDINGS.			
Rents, Insurances, Repairs, &c., of Public Buildings generally.....	42,680	00	
Inspections and Surveys.....	4,000	00	
Public Departments, to build.....	100,000	00	
Bridge across the Ottawa River to Calumet Island, provided the township in which such bridge is situated furnishes an amount sufficient to complete it.....	4,000	00	150,680 00
<i>Chargeable to Building and Jury Fund.</i>			
Rents of Court Houses and Gaols.....	527	00	
Insurances of do.....	4,500	00	
Repairs of do.....	22,860	00	
Montreal Gaol, for the construction of an out-building and of a chimney.....	5,000	00	
Gaol for females, Montreal; provided the City pays a quarter of the cost.....	40,000	00	
Bonaventure Court House and Gaol, for the construction of a residence for the Keeper.....	1,000	00	
Gaspé Court House and Gaol, for a fence for prisoners' yard.	500	00	
Court Houses and Gaols, New Districts, to construct fire-proof safes.....	10,000	00	84,387 00
			235,067 00
VII. CHARITIES.			
Lunatic Asylums.....	159,184	00	
Belmont Retreat Inebriate Asylum, Quebec.....	700	00	
Marine and Emigrant Hospital, do.....	2,066	67	
Lying-in Hospital, care of the Ladies of the Good Shepherd, Quebec.....	1,333	33	
			163,884 00
Carried over.....	\$	163,884 00	1,394,995 00

SCHEDULE B.—(Continued.)

SERVICE.		—	—	—
		\$ cts.	\$ cts.	\$ cts.
Brought over.....			163,884 00	1,394,995 00
<i>Miscellaneous.</i>				
Corperation of the General Hospital,	Montreal...	4,000 00		
Indigent Sick,	do ...	3,200 00		
St. Patrick's Hospital,	do ...	1,600 00		
Sœurs de la Providence,	do ...	1,120 00		
St. Vincent de Paul Asylum,	do ...	600 00		
Protestant House of Industry and Refuge,	do ...	800 00		
St. Patrick's Orphan Asylum,	do ...	640 00		
University Lying-in Hospital,	do ...	480 00		
Magdalen Asylum, (Bon Pasteur)	do ...	720 00		
Roman Catholic Orphan Asylum,	do ...	320 00		
Sœurs de la Charité,	do ...	800 00		
Do. do. for their foundling hospital (as long as there is none in Quebec),	do ...	400 00		
Protestant Orphan Asylum,	do ...	640 00		
Lying-in Hospital, care Sœurs de la Miséricorde,	do ...	480 00		
Bonaventure Street Asylum,	do ...	430 00		
Nazareth Asylum for the Blind and for destitute children,	do ...	830 00		
Dispensary,	do ...	320 00		
Ladies' Benevolent Society for Widows and Or- phans (including late House of Refuge),	do ...	850 00		
Home and School of Industry,	do ...	320 00		
St. Bridget Asylum,	do ...	800 00		
Frères de la Charité de St. Vincent de Paul,	do ...	500 00		
Hospice de Bethléem,	do ...	500 00		
Hospice de St. Joseph du Bon Pasteur,	do ...	200 00		
Protestant Infants' Home,	do ...	400 00		
Women's Hospital,	do ...	500 00		
Carried forward.....	\$	21,450 00	163,884 00	1,394,995 00

SCHEDULE B.—(Continued.)

SERVICE.				
		\$	cts.	\$
				cts.
				\$
				cts.
Brought forward		21,450	00	163,884
				00
				1,394,995
				00
Charitable Ladies' Association of the Roman Catholic Orphan Asylum,	Quebec...	800	00	
Indigent Sick,	do ...	3,200	00	
Asylum of the Good Shepherd,	do ...	800	00	
Hospice de la Maternité,	do ...	680	00	
Ladies' Protestant Home,	do ...	750	00	
Male Orphan Asylum,	do ...	420	00	
Finlay Asylum,	do ...	420	00	
Protestant Female Orphan Asylum,	do ...	420	00	
St. Bridget's Asylum,	do ...	750	00	
Dispensary,	do ...	200	00	
Sisters of Charity, for old and infirm persons,	do ...	200	00	
Hôpital du Sacré Cœur de Jésus.....	do ...	1,000	00	
Do do Dispensary.....	do ...	200	00	
Indigent Sick,	Three Rivers.....	2,500	00	
Sœurs de la Charité, for foundling hospital, Three Rivers...		400	00	
General Hospital,	Sorel.....	500	00	
St. Hyacinthe Hospital,	St. Hyacinthe.....	500	00	
Ouvroir de St. Hyacinthe,	St. Hyacinthe.....	200	00	
Filles de la Charité,	do	200	00	
Hospice Youville,	St. Benoit.....	200	00	
Asile de la Providence,	Côteau du Lac.....	200	00	
Hospice St. Joseph,	Beauharnois.....	200	00	
Hospice Ste. Marie,	Ste. Marie de Monnoir....	200	00	
Asile de la Providence,	Mascouche.....	200	00	
Hôpital St. Jean,	St. Jean... ..	200	00	
Sisters of Charity,	do	200	00	
Hospice La Jemmerais,	Varennes.....	200	00	
Hospice des Sœurs de la Providence, St. Vincent de Paul.....		200	00	
Hôpital de la Providence,	Joliette.....	200	00	
Carried over.....\$		37,590	00	163,884
				00
				1,394,995
				00

SCHEDULE B.—(Continued.)

SERVICE.		—	—	—
		\$ cts.	\$ cts.	\$ cts.
Brought over.....		37,590 00	163,884 00	1,394,995 00
Hospice de Laprairie,	Laprairie.....	200 00		
Hôpital St. Joseph,	Chambly.....	200 00		
Asile de la Providence	Ste. Elizabeth.....	200 00		
Sœurs de la Providence de N.-D. de l'Assomption.....		200 00		
Asile de la Providence,	Ste Ursule..	200 00		
Hôpital Ste. Anne Lapocatière.....		200 00		
Sœurs de la Charité,	Rimouski.....	200 00		
Hôpital St. Ferdinand d'Halifax.....		200 00		
Hospice Yamachiche.....		200 00		
Sherbrooke Hospital and Orphan Asylum.....		500 00		
Sœurs de la Charité Lanoraie.....		200 00		
Hôpital St. Paulin.....		200 00	40,290 00	
Reformatory Schools.....		6,940 00		
Industrial Schools.....		7,000 00	13,940 00	
VIII. MISCELLANEOUS SERVICES.				218,114 00
Quebec Official Gazette.....		11,200 00		
Arbitration under Constitutional Act.....		2,500 00		
Miscellaneous.....		20,000 00		
IX. COLLECTION, MANAGEMENT AND OTHER CHARGES ON REVENUE.				33,700 00
Municipalities Fund, C. S. L. C. cap. 110, sect. 7.....			5,000 00	
Registration Service.....		50,000 00		
Carried forward.....		50,000 00	5,000 00	1,646,809 00

SCHEDULE B.—(Continued.)

SERVICE.	—	—	—
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....	50,000 00	5,000 00	1,646,899 00
IX. COLLECTION, MANAGEMENT AND OTHER CHARGES ON REVENUE.—Continued.			
Surveys.....	24,000 00		
General expenditure by Crown Lands Department (includ- ing Jesuits' Estates, Clergy Lands, Crown Domain, Seignior of Lauson, Woods and Forests, &c.	60,400 00	134,400 00	
Stamps, Licenses, &c.....		4,000 00	143,400 00
To cover special warrants for expenditure already made belonging to the fiscal year ended 30th June, 1874, see Public Accounts 1874, page 91.....	\$66,822 50		\$1,790,299 00

CAP. II.

An Act to provide for the granting of an additional subsidy to certain Railway Companies, and for other purposes,

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Additional
subsidy to cer-
tain roads.

1. The Lieutenant-Governor in Council may grant an additional subsidy of fifteen hundred dollars per mile, to each of the following railway companies :

1. The Quebec and Lake St. John railway, for a length not exceeding 150 miles ;

2. The St. Francis and Megantic International railway, for a length not exceeding 80 miles ;

3. The Bay of Chaleurs railway, for a length not exceeding 180 miles ;

4. The Levis and Kennebec railway, for a length not exceeding 90 miles ;

5. The Sherbrooke, Eastern Townships and Kennebec railway, hereafter known as the "Quebec Central Railway Company," for a length not exceeding 100 miles ;

6. The Philipsburg, Farnham and Yamaska railway, for a length not exceeding 100 miles ;

7. The Montreal Northern colonization railway, (for the portion of the branch line beyond St. Jérôme,) for a length not exceeding 18 miles.

How the same
may be pay-
able.

2. The subsidy mentioned in the preceding section, shall be paid in the same manner as the provincial aid granted by "The Quebec railway aid act of 1874," with the exception that the same may be payable for each ten miles or more of road completed, continuous and uninterrupted.

Lands re-united
to the Crown
Domain.

3. The lands granted to the St. Francis and Megantic International railway company by the act of this province, 35 Vict., ch. 23, and those granted to the Quebec and Lake St. John Railway Company, by the act of this province, 35 Vict., ch. 33, are declared to be reunited to the crown domain, in consequence of the abandonment thereof made by these companies, and of their option in favor of a money grant, under the authority of "The Quebec railway aid act of 1874."

Subsidy of
1874 continued
to certain com-
panies till
1876.

4. The Quebec Frontier railway company, and the Missisquoi and Black River Valley railway company, which have the right to a subsidy in money under "The Quebec

railway aid act of 1874," shall continue to have the right to that subsidy till the first of February, 1876; provided that, at this date, not less than ten miles of road continuous and non-interrupted, with iron or steel rails, shall have been made and completed by those companies. The payment of such subsidy may be made for each ten miles or more of road thus finished and completed.

5. The railway companies which have the right under "The Quebec railway aid act of 1874," to a subsidy, only after having made and completed twenty-five miles of road, continuous and non-interrupted, shall have the right to such subsidy for each ten or more miles of road thus made and completed, among which is included the Montreal and Laurentian Colonization Railway not exceeding 15 miles. How the subsidy of 1874 shall be paid. New road.

6. Notwithstanding any provision to the contrary, any company which is entitled to a subsidy under the present act, or of "The Quebec railway aid act of 1874," shall have the right to receive, on account of the subsidy thus granted, a sum of seventy-five dollars per mile, to assist such company to locate its road, but only after that the surveys, plans and profiles of such road shall have been deposited in the department of agriculture and public works. \$75 per mile on account.

7. Whereas it is of the greatest importance for this province to secure the junction of the Pacific railway with the railways of the north shores of the St. Lawrence and Ottawa rivers, the lieutenant-governor in council may grant a sum of thirty thousand dollars, to assist in the construction of the bridge which shall unite, in the county of Pontiac, the railways of the north shores of the St. Lawrence and Ottawa rivers, to the Pacific railway. Subsidy of \$30,000 to the junction bridge in Pontiac.

8. The present act shall be known, and may be cited under the name of "The Railway subsidy act of 1875." Title.

9. This act shall enter into force on the day of its sanction. Coming into force.

C A P. I I I.

An Act to encourage Canadians in the United States, European Immigrants and inhabitants of the Province, to establish themselves upon the Wild Lands of the Crown.

[Assented to 23rd February, 1875.]

WHEREAS Canadians emigrated to the United States, Preamble.
manifest a desire in large numbers, to return and

establish themselves upon the public lands of this province, and that to encourage their return it is expedient to offer them special advantages; and whereas such advantages would be likely to attract to the province a greater proportion of agricultural immigrants desirous of becoming settlers; and whereas it is also just to extend the same advantages to the inhabitants of this Province, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Colonization
fund.

1. From and out of the revenues of this province, a sum of sixty thousand dollars is appropriated for the purposes hereinafter mentioned, to be called the "Colonization Fund."

Preparation of
lots for set-
tlers.

2. The lieutenant-governor in council may authorize the commissioner of agriculture and public works to cause a certain number of lots of one hundred acres each, to be prepared in townships to be designated by the lieutenant-governor in council, to be offered to Canadians from the United States, to European immigrants and to inhabitants of the province desirous of settling, and who appear to him to be in a position to succeed as settlers.

Clearing of
four acres.

3. The preparation of such lots shall consist in the clearing of four acres in readiness for sowing, and in the construction of a dwelling house of not less than sixteen feet by twenty, and such works shall be, as far as possible, performed by the settlers for whom such lots are intended.

The cost of such work, including the price of the land, shall in no case exceed the sum of two hundred dollars for each lot; and by order of the lieutenant-governor in council, the commissioner of agriculture and public works shall authorize the payment of such works, from and out of the "Colonization Fund," hereby established.

Price of the
lots.

4. The price of each of such lots shall be payable in the usual manner, that is to say, one-fifth on taking the location ticket, and the balance in four consecutive annual payments, with interest from the day of the date of the location ticket.

Reimburse-
ment of the
cost of impro-
vements.

The cost of the improvements shall be payable in five other consecutive yearly payments, which shall become exigible successively, after the complete falling due of the price of the land, without interest, until maturity of each payment.

Accounts in
duplicate.

5. A regular account shall be kept, in the department of agriculture and public works, of the expenses of the improvement of each lot, a duplicate whereof shall be furnished to

the department of crown lands, which shall by its agents collect the same, as the instalments fall due, and shall render account thereof to the treasury department.

6. The settler who may wish to establish himself in one of the townships where the above mentioned advantages are offered, will have the option of doing himself on his lot the four acres of clearance, and of building himself a house of not less than sixteen feet by twenty. Advance to the settler who shall make the clearing.

In such case the settler shall receive as an advance, the price of these improvements when they shall have executed to the satisfaction of the commissioner of agriculture and public works, at the price fixed by him; this advance shall be paid in five yearly instalments, which will become exigible successively after the price of the land shall have completely fallen due.

7. To be entitled to any lot so prepared, or to receive the advance by clearing himself his lot, the settler must be at least eighteen years of age, possess the qualifications required to succeed as a settler, and not be proprietor of any landed property in the province. Qualifications required of the settlers.

8. Letters-patent for the lots so prepared shall not be granted until the price of the land and the cost of improvements, or the amount advanced in lieu thereof, shall have been both fully paid, nor until the settler shall have cleared and is maintaining, in a state of cultivation, at least fifteen acres of his lot. Letters patent for these lots.

9. In default of payment of any instalment fallen due, either for the price of the land or the costs of improvements, or for advances made, and in default of the settler being *bond fide* resident (*tenant feu et lieu*) upon his lot, and of clearing and placing under cultivation at least one acre thereof annually, the location ticket granted unto him, may be cancelled, and the lot conceded to any other person, without the former being entitled to claim anything for his labour, or for instalments already paid, which, except for good cause, shall be confiscated to the profit of the province. Default of payment.

10. From and out of the "Colonization Fund," the commissioner of agriculture and public works may cause to be constructed and maintained in each colony formed under this act, a house for the reception of the families of settlers upon their first arrival, and generally to meet expected and unexpected expenses connected with the organization of each colony. House and expenses expected and unexpected.

C A P. I V.

An Act to encourage the manufacture of Sugar from Beet-root in the Province of Quebec.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Annual subsidy of \$5,000 during five years.

1. The lieutenant-governor in council may grant an annual subsidy of five thousand dollars, during five years, for the establishment of the first manufacture of sugar from beet-root in the province.

Locality and conditions.

2. The lieutenant-governor in council may, on the report of the commissioner of agriculture and public works, fix the locality in which such manufacture shall be established, and impose upon the person or company establishing the same, all such conditions as he shall deem calculated to secure the interests of the province, and especially the stability of such establishment, and the continuance of the manufacture of sugar from beet-root, in the province.

C A P. V.

An Act further to amend the Quebec License Act, (34 Vict., Chap. 2,) and the Acts amending the same.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

34 V., c. 2, s. 2 and 37 V., c. 3, amended.

1. Section 2 of the Quebec License Act, as amended by the act 37 Vict., chap. 3, is further amended by adding the following provision :

Penalty in Montreal.

“ But if such infringement takes place in the city of Montreal, the person who shall have committed the offence, shall incur a penalty of eighty dollars, of which ten, on recovery, shall belong to the corporation of the city of Montreal, fifteen to the informer, fifteen to the revenue officer, and forty to the province. If the whole fine and costs have not been collected, the amount received shall, firstly, be employed in the payment of the costs, and the balance divided in proportion of the above mentioned sums.”

2. Section 13 of the Quebec License Act, as amended by ^{37 V., c. 3} the act 37 Vict. chap. 3, is further amended :

1. By substituting, for the first paragraph of such section, the following :

"In the city of Montreal, the powers and duties conferred and imposed upon the council by sections 7, 11 and 12, concerning the examination and confirmation, or rejection of such certificates, shall be exclusively exercised and performed by a board of license commissioners, to be composed of three or more persons, as the lieutenant-governor in council may, from time to time, appoint for such purposes. For the performance of all duties imposed upon ^{License commissioners.} them by law, each of said license commissioners shall receive the sum of five hundred dollars a year. The lieutenant-^{Clerk.} governor in council shall, also, from time to time, appoint a person to be clerk of the license commissioners ;"

2. By substituting for paragraph (b) of this section the following :

"(b.) It shall be the duty of the said commissioners to post ^{List.} up, in their office, a list containing the names of all applicants for such confirmation of such certificate, together with the address of the applicant, and the nature and locality of the house for which a license is sought, as well as a list of licenses granted from time to time to divers parties ; and any person having objections to the granting of a license, may make the same before the commissioners, ^{Objections to granting licenses.} previous to the confirmation of the certificate ;"

3. By adding to paragraph (c) of the same section, the following words : "and nothing in this provision shall prevent the license commissioners from refusing to confirm the said certificate, if they deem fit to do so ;" ^{Power to refuse the certificate.}

4. By substituting for paragraph (e) of the same section the following :

"(e.) The expenses necessary for the complete fulfilling of ^{Expenses.} the duties imposed on the commissioners, shall be paid by the province ;"

5. By adding the following paragraph :

"(f.) The license commissioners shall not each year ^{250 licenses in Montreal.} confirm more than two hundred and fifty certificates for the granting of licenses, for the keeping, in the city of Montreal, of inns, taverns, and other houses or places of public entertainment ; and any certificate over the number of two hundred and fifty, confirmed, and any license granted on such certificate, shall be null and void."

3. Section. 14 of the said act, as amended by the ^{37 V., c. 3, s. 2} act 37 Vict., chap. 3, section 2, is further amended, by substituting the word "eight" in the sixth line, for the word "ten."

37 V., c. 3, s. 4
amended.

4. Section 4 of the act of this province, 37 Vict., chap. 3, which adds section 21a, to the Quebec License Act, is amended by striking out the word "part," in the second line of such section 21a, and substituting therefor the word "city."

5. The following section shall be inserted after section 33, of the Quebec License Act :

Cancellation of
licenses.

"33a. Any license for the sale of spirituous, vinous, or fermented liquors, in any shop or store, may be annulled and cancelled, for the reasons, and in the manner, and with the effect, mentioned in section thirty of this act, as amended by the act 37 Vict., chap. 3."

37 V., c. 3, s.
13 amended.

6. Section 13, of the act 36 Vict., chap. 3, as amended by the act 37 Vict., chap. 3, is further amended by adding, in the fourth and fifth lines, after the words "three gallons," the following words : "or one dozen of bottles."

34 V., c. 2, s.
34 amended.

7. Section 34 of the Quebec License Act, is amended, by adding thereto the following paragraph :

The sale of
liquors on
board of boats
or at stopping
places prohi-
bited.

"3. If the proprietor, or master, or the person in charge of a steamboat or vessel, allows any spirituous, vinous or fermented liquor, to be sold on board of such steamboat or vessel, while it remains at any port, or stopping place, wharf or other place of discharge, they shall be liable to a fine of forty dollars for each offence, whether they have a license under this act or not."

Construction of
powder maga-
zines.

8. Section 113 of the said act, is amended by adding thereto, the following provision :

"Every powder magazine may also be built in a different manner than that described in this section, provided always, that it is with the consent of the lieutenant-governor in council."

34 V., c. 2, s.
125 amended
as regards
Montreal.

9. Section 125 of the said act, as amended by 37 Vict., chap. 3, section 10, is further amended :

1. By striking out in the first paragraph, the words : "one hundred and twenty-five dollars, within the said city of Montreal," and substituting therefor, the following words : "two hundred dollars, within the said city of Montreal ;"

2. By substituting for paragraph 4, the following :

"4. For every license to vend or retail, in any store or shop, brandy, rum, whiskey, or other spirituous liquors, and wine, ale, beer, porter, cider, or other vinous or fermented liquors, in a quantity not less than three half pints, at any one time, in the city of Montreal the sum of forty dollars, and within any other organized part of this province the sum of thirty dollars, and in any unorganized tract, not within the limits of any municipality, the sum of twelve dollars."

10. Section 142 of the said act is amended by adding, S. 142 amend-
ed. after the words "justice of the peace," in the third line, the following words: "or in the city of Montreal by one of the license commissioners."

11. Section 151 of the said act, as amended by act 37 Vict., S. 151 amend-
chap. 8. is further amended by striking out, in the fifth and sixth lines, the words: "of the council of the county or local municipality," and by substituting therefor the following words: "of the corporation of the municipality of the county, or of the municipality of the city, town or other local municipality."

12. Section 152 of the said act is amended by adding, S. 152 amend-
ed. after the words "district magistrate," in the tenth line, the following words: "or in or before the recorder's court, police court, or in any other court held or presided over by a recorder, an assistant-recorder, police magistrate, or by a district magistrate."

13. Section 195 of the said act is amended by striking S. 195 amend-
ed. out the words, "unless such deposit has been made," in the tenth line.

14. The lieutenant-governor in council may give such Instructions. instructions to the Inland Revenue Collectors, as he may think fit in regard to the performance of their duties.

15. The provisions of this act shall be read and inter- Interpretation preted as forming one and the same act, with the Quebec License Act, and the acts amending the same.

16. This act shall come into force on the day of the sanc- Coming into
force of this
act. tion thereof.

C A P. V I.

An Act respecting the Boundary between the Provinces of Quebec and Ontario.

[Assented to 23rd February, 1875.]

WHEREAS by an order of His Majesty's Privy Council, Preamble. bearing date in the month of August, in the year one thousand seven hundred and ninety-one, it was ordained that the then province of Quebec should be divided into two distinct provinces, to be called the province of Upper Canada, and the province of Lower Canada, by separating the said two provinces according to the following line of

division, as set forth in the royal proclamation of the eighteenth of November, one thousand seven hundred and ninety-one, viz: "To commence at a stone boundary on " the north bank of the lake St. Francis, at the cove west " of Pointe au Bodet, in the limit between the township " of Lancaster and the seigneurie of New Longueuil, " running along the said limit in the direction of north " thirty-four degrees west to the westernmost angle of " the said seigneurie of New Longueuil, thence along the " north-western boundary of the seigneurie of Vaudreuil, " running north twenty-five degrees east, until it strikes " the Ottawa river, to ascend the said river into the lake " Tomiscanning, (*Témiscanningue*), and from the head " of the said lake, by a line drawn due north until it strikes " the boundary line of Hudson's Bay, including all the ter- " ritory to the westward and southward of the said line, to " the utmost extent of the country commonly called or " known by the name of Canada;" and whereas the point to be regarded as the head of lake Temiscamingue had never been authoritatively determined, and in consequence that portion of the boundary line between the provinces of Lower and Upper Canada, now respectively named the provinces of Quebec and Ontario, north of the said lake, had never been defined; and whereas it was considered expedient by the governments of the said provinces of Quebec and Ontario, that the said undetermined portion of the said boundary line between the said provinces should no longer continue uncertain, and it was, subject to ratification by the Legislatures of the said provinces, and by the parliament of Canada, agreed between the governments of the said provinces, that the point at the head of lake Temiscamingue, from which the said boundary line shall run due north, should be determined in the following manner, that is to say:

1. That a line should be surveyed running due east from a monument planted on the east bank of the river Blanche, the position of which monument is upon a map showing the proposed boundary, signed in duplicate by the Honorable Pierre Fortin, formerly commissioner of crown lands of the province of Quebec, and the Honorable Richard William Scott, formerly commissioner of crown lands of the province of Ontario, and filed in the department of crown lands of the province of Quebec, shown and marked with the letter H, and that the said due east line should be continued to the west bank of the river Quinze;

2. That the said line so surveyed should be divided into two equal parts, and that at the point of bi-section, a permanent monument should be planted;

3. That from the said point of bi-section, a line should be run due south through the mainland and through the is-

land marked upon the said map as island No. 2, until the said line intersects the southern boundary of the said island, at the water's edge, and that the said point of intersection of the said line with the southerly boundary of the said island No. 2, at the water's edge, should be the point at the head of lake Temiscamingue, from which the boundary line between the said provinces of Quebec and Ontario, should be run due north; and whereas the governments of the said provinces of Quebec and Ontario have caused the said lines to be surveyed, and the said point determined upon the ground, and have also caused to be completed from the mouth of the river Matawan, a survey of the shores of the river Ottawa and of lake Temiscamingue on both sides, and of the islands therein situated up to the point determined in the manner aforesaid, at the head of lake Temiscamingue, and thence due north to the height of land dividing the waters tributaries of the river St. Lawrence from those tributaries of the Hudson's Bay; and whereas the said governments intend to have the survey so made, marked and laid down upon a map, to be signed conjointly by the commissioner of crown lands for the province of Quebec, and by the commissioner of crown lands for the province of Ontario; and whereas, by chapter 28 of the acts of the parliament of the United Kingdom of Great Britain and Ireland, passed in the session held in the thirty-fourth and thirty-fifth years of Her Majesty's reign, and intituled: "An act respecting the establishment of Provinces in the "Dominion of Canada," it is enacted: "that the parliament of "Canada may, from time to time, with the consent of the "Legislature of any province of the said dominion, increase, "diminish or otherwise alter the limits of such province, "upon such terms and conditions as may be agreed to by "the said Legislature, and may, with the like consent, make "provision respecting the effect and operation of any such "increase or diminution, or alteration of territory in relation "to any province affected thereby;" and whereas it is expedient that the said line so surveyed and laid down should be established as the boundary line, between this province and the province of Ontario; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The Legislature of the province of Quebec hereby con-
 sents that the parliament of the dominion of Canada do de-
 clare and establish the line surveyed, marked and laid down
 in manner aforesaid, due north to the northerly limit of the
 said provinces, as the boundary line between this province
 and the province of Ontario, whether the same increases, di-
 minishes or otherwise alters the limits of this province.

Consent of the
 legislature.

Coming into
force of this
act.

2. This act shall come into force on the day of the sanction thereof.

CAP. VII.

An Act respecting the Election of Members of the
Legislative Assembly of the Province of Quebec.

TABLE OF CONTENTS OF THE ACT.

	SECT.
PRELIMINARY.....	1

FIRST PART.

PARLIAMENTARY ELECTORS.

I. CONDITIONS REQUISITE TO BE AN ELECTOR.....	7
II. PERSONS WHO CAN NEITHER BE ELECTORS NOR VOTERS.....	11
III. LIST OF PARLIAMENTARY ELECTORS.....	12
1. Preparation of the list.....	12
2. Examination and putting into force of the list	27
3. Appeal to a judge of the superior court or to a district magistrate.....	41
4. Miscellaneous provisions.....	51
IV. DIVISION OF THE MUNICIPALITY INTO VOTING SUB-DIVISIONS.....	59

SECOND PART.

HOLDING OF PARLIAMENTARY ELECTIONS.

I. GENERAL PROVISIONS.....	65
II. RETURNING OFFICERS.....	78
III. PROCEEDINGS ON RECEIPT OF THE WRIT OF ELECTION	82
1. Appointment and duties of the election clerk.	86
2. Establishment of polls.....	89
3. Proclamation announcing the election.....	96

	SECT.
IV. NOMINATION OF CANDIDATES.....	104
V. ELIGIBILITY IN AND DECLARATION REQUIRED OF CANDIDATES.....	124
VI. PRELIMINARIES OF VOTING.....	137
1. Of deputy returning officers.....	141
2. Of poll clerks.....	151
VII. VOTING.....	157
VIII. COUNTING THE BALLOT PAPERS.....	189
IX. CLOSE OF THE ELECTION.....	200
X. GENERAL PROVISIONS.....	213
XI. PROVISIONS APPLICABLE TO THE VARIOUS ELEC- TION OFFICERS.....	223
XII. MAINTENANCE OF PEACE AND GOOD ORDER.....	236

THIRD PART.

I. MEANS OF PREVENTING CORRUPT PRACTICES AT ELECTIONS.....	248
II. ELECTION EXPENSES.....	278
III. GENERAL PROVISIONS RESPECTING PENALTIES..	289
IV. PROSECUTIONS RESPECTING PENALTIES IMPOSED BY THIS ACT.....	292
V. FEES AND EXPENSES.....	301
Final provisions.....	306

[Assented to 28rd February, 1875.]

HER MAJESTY, by and with the advice and consent
of the Legislature of Quebec, enacts as follows:

PRELIMINARY.

1. This act shall be known and may be referred to and ~~thus~~
cited as "The Quebec Election Act."

It shall apply to every election of a member of the ~~Application.~~
legislative assembly, whether the same be held at the
time of a general election, or to fill a vacancy.

2. In interpreting this act, unless it be otherwise pro-^{Interpretation.}
vided, or unless there be in the context of its provisions
something which indicates a different sense, or requires an-
other interpretation:

Municipality.

1. The word "municipality" means every municipality of a parish or part of a parish, of a township or part of a township, of united townships, of a village, of a town, existing under the operation of the municipal code, and every town or city municipality, incorporated by charter or special act ;

Secretary-treasurer.

2. The word "secretary-treasurer," includes the clerk of every town or city municipality ;

Owner.

3. The word "owner," signifies any one who possesses real estate or whose wife possesses real estate whether as owner or usufructuary. Whenever one person has the mere ownership of real estate, and another has the enjoyment and usufruct thereof to his own use and benefit, the person who has the mere ownership of such real estate shall not be entitled to vote as owner thereof, and the usufructuary shall in such case alone have the right to vote, by reason of such real estate ;

Occupant.

4. The word "occupant," signifies the person who occupies immovable property, otherwise than as owner, tenant or usufructuary, either in his own right or in the right of his wife ;

Tenant.

5. The word "tenant," means as well the person who pays rent in money, as the person who is obliged to give to the owner a certain part of the revenues and profits of the real estate which he occupies ; and such tenant must be *tenant feu et lieu* save in the case of the lessee of a shop, work-shop or office ;

Registrar.

6. The word "registrar," means the registrar of the registration division, which comprises within its limits the electoral district in which the election is held. It also means the registrar of the registration division, comprised within the limits of such electoral district, or the limits whereof are the same as those of the electoral district ;

Voting sub-division.

7. The term "voting sub-division," means, for voting purposes, every municipality whereof the number of parliamentary electors entered on the list in force does not exceed three hundred ;

To vote.

8. The words "to vote," means to vote at the election of a member of the legislative assembly of this province ;

Electoral District.

9. The expression "electoral district," means any county or other place or portion of this province, entitled to return a member of the legislative assembly ;

Election officer.

10. The term "election officer" means the returning officer, the election clerk, and all deputy returning officers and poll clerks, appointed for an election ;

Personal expenses.

11. The term "personal expenses" employed in relation to the expenditure of a candidate, respecting any election in which he is candidate, means all the reasonable travelling expenses of such candidate, and his reasonable

expenses at hotels and other places to which he may repair, for the purposes of and in regard of such election.

3. Any form indicated by a capital letter, in the various Forms. provisions of this act, refers to the corresponding form contained in the schedule annexed to this act.

Any of the forms contained in such schedule is sufficient in the case for which it is intended. Any other form, having the same meaning, may be employed with equal effect.

4. Any reference to one or more sections indicated in Reference. the provisions of this act, without mention of the act or statute of which such sections form part, is a reference to the sections of this act.

5. If the time fixed by this act for the accomplishment Delay. of any proceeding or formality, prescribed by the provisions thereof, expires or falls upon a Sunday or legal holiday, the time so fixed shall be continued to the first day, following, not a Sunday or holiday.

6. Every person before whom any oath must be taken Oath. or affirmation made, under the terms of this act, is empowered, and shall be bound whenever the same is required of him, to administer such oath or affirmation, and to give a certificate thereof, without fee or reward.

FIRST PART.

PARLIAMENTARY ELECTORS.

I.—CONDITIONS REQUISITE TO BE AN ELECTOR.

7. No person shall be entitled to vote at the election of Entry on the a member of the legislative assembly of this province, unless at the time of voting, he be an elector entered as list. owner, tenant or occupant, upon the list of electors in force.

8. No person shall be entered upon the list of electors, Qualification of electors. unless he fulfils the following conditions :

1. He must be of the male sex, of full age, and a subject of Her Majesty by birth or naturalization ;

2. He must not be otherwise legally incapacitated ;

3. He must be actually and in good faith owner or occupant of real estate, estimated, according to the valuation roll in force, as revised if it has been revised even for local purposes only, at a sum of at least three hundred dol-

lars in real value, in any city municipality entitled to return one or more members of the legislative assembly, and two hundred dollars in real value, or twenty dollars in annual value, in any other municipality, or

Be a tenant in good faith, paying an annual rent for real estate, of at least thirty dollars in any city municipality entitled to return one or more members of the legislative assembly, and of at least twenty dollars in any other municipality; provided that such real estate be estimated according to such valuation roll, in real value at, at least three hundred dollars in any city municipality entitled to return one or more members of the legislative assembly, and two hundred dollars in any other municipality.

Co-owners;
co-partners;
co-tenants,
and co-occu-
pants.

9. Whenever two or more persons are co-owners, co-partners in the property or possession, co-tenants or co-occupants of any real estate valued at an amount sufficient for the share of each to confer upon him the electoral suffrage, each of such persons shall be deemed to be an elector in conformity with this act, and entered upon the list of electors. He whose share does not amount to the value required for the electoral suffrage shall not be so entered nor be an elector.

The same rule applies to co-tenants, respecting the amount of rent which they pay.

Corporation.

10. Nevertheless if the real estate is owned or occupied by a corporation, no one of the members of the corporation shall be an elector nor entered upon the list of electors, by reason of such real estate.

II.—PERSONS WHO CAN NEITHER BE ELECTORS NOR VOTERS.

Persons dis-
qualified to
vote.

11. The following persons can, in no case, be electors or vote;

1. The judges of the court of Queen's bench and of the superior court, the judge of the vice-admiralty court, the judges of the sessions, district magistrates, recorders;

2. Officers of the customs, clerks of the crown, clerks of the peace, registrars, sheriffs, deputy-sheriffs, deputy-clerks of the crown and the officers and men of the provincial or municipal police force;

3. Agents for the sale of crown lands, postmasters in cities and towns, and all officers employed in the collection of any duties payable to Her Majesty, in the nature of duties of excise, including collectors as well of federal as of local revenue.

If any of the persons set forth in this section vote, saye in the case of section 205, he shall incur a penalty of not

more than five hundred nor less than one hundred dollars, or imprisonment not exceeding twelve months in default of payment, and his vote shall be null and of no effect.

III.—LIST OF PARLIAMENTARY ELECTORS.

1. *Preparation of the list.*

12. The secretary-treasurer of each municipality shall ^{Time and} between the first and fifteenth days of the month of March ^{made.} in each year, make in duplicate, a list in alphabetical order, of all persons, who according to the valuation roll, then in force in the municipality for local purposes, and as revised if it has been revised even for local purposes, appear to be electors, by reason of the real estate possessed or occupied by them, within the municipality.

13. The secretary-treasurer, in drawing up the list of electors, shall distinguish the persons, who appear to be ^{Distinction to} qualified as owners, from those who appear to be qualified ^{be made.} as tenants or occupants, and shall specify the real estate, through which such persons are electors.

14. The secretary-treasurer shall omit from the list of ^{Omissions.} electors, every person, who under sections 12, 267 and 270 or any other legal provision whatsoever, is not then entitled to vote.

15. If any municipality is situated partly in one electoral ^{Case of two} district and partly in another, the secretary-treasurer ^{lists.} shall prepare in the same manner for each of such electoral districts an alphabetical list of the persons who are electors therein.

16. If the municipality is divided into voting sub-divisions ^{Division of the} under sections 59, 60 or 61, the secretary-treasurer shall ^{list.} divide the list into as many parts, as there are voting sub-divisions in the municipality.

Each such part, the title whereof shall be the name, number, or description of the voting sub-division to which it relates, shall only contain the alphabetical list of the electors of such voting sub-division.

17. If a person is an elector, in one and the same muni- ^{Name of elector} cipality from more than one parcel of real estate, or from ^{only entered} more than one title, his name shall nevertheless be entered ^{once.} but once on the list of electors of the municipality.

If the list is drawn up by sub-divisions and one person is an elector in more than one sub-division, his name shall be inserted in one sub-division only; and if such person is an

elector in the sub-division of his domicile, his name shall be entered on the list for such sub-division

Case of a person being elector in several electoral districts.

18. In the case of section 15, if a person is an elector in more than one electoral district, his name shall be entered in the list of each electoral district, in which he is an elector, according to the rules laid down in the preceding section.

Attestation.

19. The secretary-treasurer shall certify the correctness of the list of electors by him made, by the following oath, taken before a justice of the peace :

Oath.

"I (*name of the secretary-treasurer*) swear that to the best of my knowledge and belief, the foregoing list of electors is correct, and that nothing has been inserted therein or omitted therefrom, unduly or by fraud: So help me God."

Each duplicate list must be attested separately under the foregoing oath.

Deposit of the list.

20. One of the duplicates of the list so attested shall be kept in the office of the secretary-treasurer, at the disposal and for the information of all persons interested.

Notice.

21. The secretary-treasurer, on the day upon which he shall take the oath required by the section before the last, shall give and publish public notice, setting forth that the list of electors has been prepared according to law, and that a duplicate thereof has been lodged in his office, at the disposal and for the information of all persons interested.

Such notice shall be given and published in the same manner as notices for municipal purposes, in the municipality in which the list has been prepared.

Form.

22. The list of electors may be drawn up in accordance with form A.

Clerk *ad hoc*.

23. If the secretary-treasurer has not made the alphabetical list of electors, or has not given and published the notice required by section 21, in the first fifteen days of the month of March, then the judge of the superior court for the district, or in the event of the absence of the district judge, or of his inability to act, the district magistrate, on summary petition from the mayor, the registrar or other person entitled to be entered as an elector in the municipality, shall appoint a clerk *ad hoc* to prepare the alphabetical list of electors.

Responsibility of the secretary-treasurer.

24. The secretary-treasurer shall be personally liable for the costs incurred on such petition, and for those incurred in drawing up the list by the clerk *ad hoc*, unless the

judge or the district magistrate, for special reasons, deem it advisable to order otherwise, and in such case, the costs shall be left to their discretion.

The secretary-treasurer may however draw up and prepare the list, so long as the clerk *ad hoc* shall not have been appointed.

25. The clerk *ad hoc* shall proceed, within fifteen days Duties of the clerk ad hoc. after notice of his appointment, to the preparation of the list of electors. He shall, for such purpose, become an officer of the municipal council, and shall have the same powers to exercise, and the same duties to discharge, as the secretary-treasurer of the municipality, and shall do so under the same penalties in case of default or neglect on his part.

26. The mayor and the officers of the council, in so far Duties of the mayor, &c. as the same is incumbent upon them, shall, under the penalties prescribed by section 56, be bound to deliver to the clerk *ad hoc*, on his demand, the valuation roll which is to avail as the basis of the electoral list.

2. Examination and putting into force of the list.

27. The list of electors may be examined and corrected Examination. by the council of the municipality, even in the absence of any demand or complaint to that end, within the thirty days only, next after the publication of the notice given under section 21.

If complaints in writing are produced at the office of the council, under the two following sections, the council shall take cognizance thereof, and shall decide them within the delay aforesaid.

28. Any person who deems himself aggrieved either by Complaint in writing. the insertion in, or omission of his name from the list, may, either by himself or through his agent, file a complaint in writing to such effect, within the fifteen days next after the publication of the notice given under section 21.

29. If any elector, whose name is entered upon the list, Idem. believes that the name of any other person entered thereon, should not have been so entered, owing to his not possessing the qualifications required for an elector, or if he believes that the name of any other person not entered thereon should be so entered, owing to his possessing the qualifications required, he may file a complaint in writing to such effect, within the same delay of fifteen days.

Notice.

30. The council, before proceeding to any examination or correction of the list of electors, shall cause to be given, through the secretary-treasurer, the clerk *ad hoc*, or any other person, public notice of the day and hour at which such examination shall begin.

He shall also, previous to taking into consideration the complaints in writing filed in the office of the council, with respect to the list of electors, cause a special notice to be given to every person, the insertion or omission of whose name upon the list is demanded.

The public notice and every special notice required by this section shall be of five days' duration; and they shall further be given and published or served, in the same manner as notices for municipal purposes, in the municipality, within which the list has been prepared.

Examination
and hearing.

31. The council on proceeding to the examination of the list shall take into consideration all the complaints in writing relating to the said list; and hear all persons interested.

Decision.

32. The council by its decision on each complaint, may confirm or correct each of the duplicates of the list.

Fraudulent
title.

33. If, upon proof, the council is of opinion that a property has been leased, assigned or made over under any title whatsoever, with the sole object of giving to a person the right of having his name entered on the list of electors, it shall strike the name of such person from the said list, upon complaint in writing being made to that effect.

Corrections to
be authenti-
cated.

34. Every insertion, erasure or correction whatsoever of the list, in virtue of the two preceding sections, shall be authenticated by the initials or *paraphe* of the presiding officer of the council.

Duration of the
list.

35. The list of electors shall come into force at the expiration of the thirty days following the notice given in virtue of section 21, as it then exists, and shall remain in force until the month of March next, and thereafter until a new list is made and put in force under the authority of this act.

If there is an appeal to a judge of the superior court or to a district magistrate, in districts in which there is no judge of the superior court, touching a portion of the list, such portion of the said list shall remain in force notwithstanding such appeal, until the final decision of the court, before which the said petition in appeal is pending.

36. Every list of electors so put in force shall, during the whole period in which it remains in force, be deemed the only true list of parliamentary electors, within the territorial division to which it relates, even although the valuation roll which has served as the basis of such list be defective or shall have been quashed or set aside; saving nevertheless any correction made under section 44.

Value of the list.

37. It shall be the duty of the secretary-treasurer, as soon as the list of electors has come into force, to insert at the end of such list, on the duplicates thereof, the certificate set forth in form B.

Certificate of the sec.-treas.

38. One of the duplicates of the list of electors shall be kept in the archives of the municipality, and shall there remain of record.

One duplicate remains in the archives, the other is transmitted to the registrar.

The other duplicate shall be transmitted to the registrar of the registration division, in which is situated the municipality, within eight days following the day upon which such list shall have come into force, by the secretary-treasurer, or by the mayor, under a penalty of two hundred dollars, or of imprisonment of six months in default of payment, against each of them, in case of contravention of this provision.

Nevertheless the transmission of the duplicate of the said list to the registrar after the delay prescribed by this section, or the fact of the same not having been transmitted, shall not have the effect of invalidating such list.

39. If, in lieu of the duplicate required by the preceding section, a certified copy of the list has been transmitted to the registrar, such copy shall be deemed to be the duplicate required, and shall have the same effect as if the duplicate had itself been transmitted.

If a copy.

40. All duplicates or copies of lists of electors transmitted to the registrar under the two preceding sections, shall be preserved by such officer, and shall remain of record in his office.

Duplicate remains of record

The registrar on receipt of the said duplicates or copies shall enter upon each the date of the reception thereof.

3. Appeal to a judge of the superior court or to the district magistrate.

41. All persons who shall have made complaint in writing, or on whose behalf a complaint in writing has been made before the council relating to the list of electors, or any person whose name has been entered on such list, or erased therefrom by the council, and who

Appeal.

believes himself aggrieved by the decision of the council, may appeal to the judge of the superior court for the district, within the fifteen days following such decision, by petition in which shall be briefly set forth his grounds of appeal.

Idem.

42. Any person who has laid a complaint in writing before the council with respect to the list of electors, in due time, may, if the council has neglected or refused to take his complaint into consideration within the time prescribed, appeal to such judge therefrom, in the manner and within the delay prescribed in the preceding section.

Service.

43. A copy of the petition in appeal shall be served upon the secretary-treasurer of the municipality, who shall immediately give special notice thereof to the mayor, and public notice to the parties interested.

Power of the court.

44. The judge of the superior court shall have full power and authority to hear and decide such appeal, in a summary manner, on any day which he shall fix, and shall proceed without delay, from day to day, in term or in vacation.

' Such appeal shall have precedence over other causes.

Idem.

45. He may also order that further notice be given to any of the parties to the cause, summon before him and question under oath or affirmation any party or witness, and require the production of any document, paper or thing. He shall possess all the powers conferred upon the superior court in relation to matters pending before that court.

Defect of form.

46. No proceedings on such appeal shall be annulled for defect of form.

Costs.

47. The costs of appeal shall be taxed at the discretion of the judge, for or against such of the parties as he shall deem advisable, and shall be recoverable under a writ of execution issued in the usual manner.

Decision.

48. The decision of the judge shall be final.

Correction.

49. The secretary-treasurer and the registrar, shall each correct the duplicate of the list of electors in his possession, according to the decision of the court, immediately upon authentic copies thereof being served upon them.

*Districts where
is no resident
judge.*

50. In any district in which there is no resident judge of the superior court, the appeal specified in sections 41 and 42, may moreover be brought before the district magistrate

for such district, in the same manner and with the same effect as before the judge of the superior court.

4. Miscellaneous Provisions.

51. If, at any time it is made to appear to any judge of the superior court, in term or in vacation, that the secretary-treasurer of any municipality, or the registrar of the registration division, have altered or falsified, or have permitted to be altered or falsified the duplicate of the list in their possession, the judge shall require the secretary-treasurer, the registrar and every person having the custody of the valuation roll, which served as the basis of the list, to appear before him and to produce the rolls and lists in their possession. Case of alteration.

52. At the time and place fixed for the appearance of such persons, the judge after having examined the duplicates of the list produced by the secretary-treasurer and the registrar, together with the valuation roll, shall, with or without further proof, make the alterations or corrections, which he shall deem necessary, to render the duplicate, so altered or falsified, accurate and faithful. Power of the judge or magistrate

53. It shall be the duty of the secretary-treasurer of every municipality and of the registrar of every registration division having the custody of a list of electors, to deliver certified copies thereof to any person applying therefor, and offering to pay for the cost of any such copy, three cents for every ten electors entered on the list. Sec.-treas. to deliver copies.

54. The secretary-treasurer of every municipality shall furnish *gratis* on demand, to every deputy returning officer acting within the limits of the municipality, a certified copy of the list of electors to avail at the election, or of that part of such list, which relates to the locality for which he acts as deputy returning officer. Sec.-treas. shall furnish the list gratis.

55. The cost of all copies of the list of electors given by the registrar, in consequence of the secretary-treasurer having refused or neglected to furnish the same, under the preceding section, may be recovered from the secretary-treasurer or the corporation whose officer he is, either by the registrar who has given the copies, or by the returning officer or deputy returning officer who shall have procured the same. Recourse in case of refusal.

56. Every secretary-treasurer, who has refused or neglected to make the alphabetical list of electors, as required by this act, shall incur a penalty not exceeding Penalty.

two hundred dollars, or imprisonment not exceeding six months in default of payment.

Any secretary-treasurer, who having made the list, has wilfully inserted therein or omitted therefrom, any name which should not have been inserted therein or omitted therefrom, or who has otherwise altered or falsified the same, so that it ceases to be or is not an exact and faithful list of all the electors entitled to be entered therein, shall incur a penalty not exceeding five hundred dollars, or imprisonment not exceeding twelve months in default of payment.

Idem.

57. Every person having the custody of electors lists, and whose duty it is to deliver copies thereof, who shall have made any alteration or omission in the copies furnished by him, or shall have falsified such copies in any manner whatsoever, shall incur the penalty lastly prescribed in the preceding section.

Old lists.

58. Every list of electors made for any municipality, and in force at the time of the coming into force of this act, shall continue, even although the valuation roll which has served as basis for such list is defective or is quashed or annulled, to avail and to remain in force, until it is replaced by a new list of electors made under the authority of this act.

IV.—DIVISION OF THE MUNICIPALITY INTO VOTING SUB-DIVISIONS.

Division by the council into voting sub-divisions.

59. Whenever in any municipality, the number of electors shall exceed three hundred, it shall be the duty of the council of such municipality to divide, by a by-law made in the ordinary way, the municipality into voting sub-divisions, so that there shall not be more than two hundred electors in each voting sub-division.

The limits of these sub-divisions shall be well defined, and shall not divide any real estate under which an elector is entitled to vote.

New division.

60. Whenever any one of such voting sub-divisions shall contain more than three hundred electors, it shall be the duty of the council to subdivide by by-law, such voting sub-division, into others not containing more than two hundred electors each.

Idem.

61. The council may, always and at any time, for the greater convenience of the electors, amend or repeal any by-law made under the two last sections, and may make a new division as provided by section 59.

62. No by-law made under the three preceding sections, shall be appealed from to the county council.

63. Every by-law or municipal order dividing a municipality into voting sub-divisions or other analogous sub-divisions, in force upon the coming into effect of this act, shall remain in force until the same is replaced or repealed under the authority of this act. Old voting sub-divisions.

64. The list of municipal electors of the city of Montreal, as annually drawn up, revised and closed, under the authority of the acts now in force in relation to the same, shall be for all purposes, the list of parliamentary electors, —including therein such persons as shall have been struck from the municipal list for default of payment of municipal taxes within the delay prescribed. List of electors in Montreal.

SECOND PART.

HOLDING OF PARLIAMENTARY ELECTIONS.

I.—GENERAL PROVISIONS.

65. Whenever a new legislative assembly is summoned, and a general election is for that purpose held, the nominations of the candidates at the different elections, in all the electoral districts of the province, shall take place and be held upon one and the same day. One day only for general elections.

Such day shall be fixed and established by the lieutenant-governor, in the proclamation ordering the general election. Day to be fixed.

66. In the case of a particular election to fill a vacancy, the day of the nomination of the candidates at such election, shall be fixed and established by the lieutenant-governor. Particular election.

67. Every writ of election shall mention the day so fixed and established, for the nomination of the candidates, at the election for which such writ shall have been issued. Mention in the writ.

68. Nevertheless in the electoral districts of Gaspé, and of Chicoutimi and Saguenay, the day for the nomination of the candidates, shall be left to the selection of the returning officer, who shall fix the same in his proclamation, as he may deem advisable, subject to the application of section 101. Exception.

- Nomination.** **69.** The nomination of the candidates shall not take place upon any holiday.
- New writ.** **70.** In the event of the destruction or loss of any writ of election, before the same has been received by the returning officer, or in the event of the latter dying before receiving such writ, or in the event of any other occurrence rendering it impossible to hold the election on the day mentioned in the writ, a new writ may be issued in which the day of nomination and that of the return, may be changed, as circumstances require.
- Date and return.** **71.** Every writ of election shall bear date, and be returnable, on such days which shall have been fixed by the lieutenant-governor.
- Writs at general elections.** **72.** At the general elections, all writs of election shall issue upon the same day, and shall bear the same date of issue.
- Day of polling.** **73.** The voting, in all the electoral districts in which the same is to be held, shall take place on the seventh day next after that of the nomination of candidates, that is, the same or corresponding day of the week next after that in which the nomination has taken place.
If such seventh day is a holiday, the voting shall take place on the first following day not a holiday.
- Exception.** **74.** Nevertheless in the electoral districts of Gaspé, and of Chicoutimi and Saguenay, the day of the voting shall be fixed by the returning officer, provided that the day so fixed be not a holiday, and that it be not removed from that of the nomination for Gaspé, less than fifteen or more than thirty days, and for Chicoutimi and Saguenay, less than eight or more than fifteen days.
- Address of writ.** **75.** Every writ of election shall be addressed by name, to one of the persons who can act *ex-officio* as returning officer, for the electoral district, or in the absence of such person, to a person who being competent to discharge such office, shall be appointed by the lieutenant-governor under section 81.
- Form.** **76.** Writs of election shall be drawn up in accordance with form C; and they shall be forwarded by mail to the different returning officers, unless the lieutenant-governor orders otherwise.
- Copy for registrar.** **77.** A notice of the issue of the writ specifying the name of the returning officer, shall be at the same time addressed

and transmitted to every registrar of the electoral district, who is not returning officer.

II.—RETURNING OFFICERS.

78. The following persons may act *ex-officio* as returning officers : Ret. Off. ex-officio.

1. The registrar, for each electoral district comprised either in whole or in part, within the limits of the registration division of which he is the officer ;

2. The sheriff, for each electoral district comprised either in whole or in part, within the district for which he is appointed.

79. If two or more persons have been appointed to fill the same office of sheriff or registrar, each of such persons may act *ex-officio* as returning officer. Idem.

If there is, within one electoral district, two or more registration offices, and a registrar for each of these offices, each such registrar may act *ex-officio* as returning officer in that electoral district.

80. In all cases, the person to whom the writ of election has been addressed and transmitted, shall act alone as returning officer at such election, even if he holds jointly with one or more other persons the office entitling him to act *ex-officio* as returning officer. Who, of several, shall act.

81. If there is no person in the electoral district authorized to act *ex-officio* as returning officer, or if those authorized to act in such capacity are prevented from so acting, or refuse to fill such office, the lieutenant-governor may appoint a competent person to perform the duties of such returning officer. Ret. off. appointed.

III.—PROCEEDINGS ON RECEIPT OF THE WRIT OF ELECTION.

82. The returning officer, on receipt of the writ of election, shall without delay endorse upon such writ, the date of the reception thereof. Endorsation of date on receipt of writ.

83. The returning officer before acting in any further manner, shall take and subscribe before a justice of the peace, the oath specified in form D ; and the justice of the peace shall deliver to him a certificate of the taking of such oath, according to form DD. Oath.

84. Every registrar, unless he is returning officer shall, without delay, upon receipt of the notice given under section 77, transmit to the returning officer a copy certified Registrar transmits list to ret. off.

by him of each of the lists of electors in force, for the electoral district, which has been deposited in his office, and this under a penalty not exceeding two hundred dollars, or imprisonment not exceeding six months in default of payment.

The registrar shall be entitled to a fee of three cents for every ten electors entered upon any copy so transmitted.

1. Appointment and Duties of the Election Clerk.

Election clerk. **85.** The returning officer shall appoint, without delay, by commission under his hand according to form E, a competent person as his election clerk, to assist him in the execution of his duties as returning officer.

Oath. **86.** The election clerk, before acting as such, shall take the oath prescribed in form F, either before the returning officer or a justice of the peace, who shall give him a certificate according to form FF.

New election clerk. **87.** If the election clerk dies, or is prevented from performing his duties through sickness, absence or other cause, or if he refuses to accept such office, or neglects to perform the duties of the same, the returning officer may appoint in the same manner another competent person to be his election clerk.

His duties. The new election clerk shall be bound to perform all the obligations of such office, under the same penalties as the former in case of refusal or neglect.

When the clerk acts as returning off. **88.** Whenever the returning officer is incompetent, becomes unable to perform the duties of his office, or refuses to discharge the same, and has not been replaced by another person, the election clerk shall be the returning officer for the election, as if he had been duly appointed to that office, and shall perform all the obligations thereof, under the same penalties, as those prescribed in relation to the returning officer, and this without being bound to take any further oath.

2. Establishment of Polls.

Polls. **89.** The returning officer, upon receipt of the writ of election, shall establish a poll in each voting sub-division, which shall appear by the list of electors, in each municipality, to have been established under sections 59, 60 or 61.

He shall also establish a poll in each municipality, wherein the number of electors does not exceed three hundred.

90. If it does not appear by the list of electors, in any municipality, that the council has divided such municipality into voting sub-divisions, as required by sections 59 and 60, the returning officer shall himself divide the whole municipality into voting sub-divisions not containing more than two hundred electors each, and shall establish a poll in each of the said voting sub-divisions. When the return. offi. makes sub-divisions.

91. If the required division having been made, it appears by such list, that any voting sub-division contains more than three hundred electors, the returning-officer shall divide each such sub-division, into other voting sub-divisions, not containing more than two hundred electors each, and shall establish a poll in each of such latter sub-divisions. Idem.

92. Every division of voting sub-division, made by the returning officer, under one or other of the two preceding sections, shall only avail for the election in respect of which it was made. Duration of such sub-division.

93. The returning officer may, if he deems it advisable, establish one or more other polls in any voting sub-division, even if the number of electors therein be less than that hereinabove set forth, in the event of the extent of the voting sub-division and the distance of a certain number of electors from the first poll, rendering the same necessary. Case of several polls in one sub-division.

94. The polls shall be established in central and commodious localities, in such manner as to be at a distance of not less than two hundred yards apart from each other in any city, town or village municipality, and of one mile part in any other municipality. Polls, their distance.

95. Electors shall vote only in the voting sub-division, in which is situated the property entitling them to vote. Where votes shall be given.

3. Proclamation announcing the Election.

96. The returning officer, within the eight days next after the receipt of the writ of election, shall by proclamation under his hand, according to form G, and published in the French and English languages, set forth: Proclamation.

1. The place, day and hour at which the nomination of candidates shall take place;

2. The day upon which the polls shall be opened, if voting becomes necessary;

3. The different polls by him established, together with the territorial limits of each of such polls.

Place of nomination.

97. The locality specified for the nomination of candidates shall be the court-house, the city-hall, the registry-office, or any other public or private building, in the most central and convenient position for the majority of the electors of each electoral district.

Hour.

98. The hour fixed for the nomination of candidates shall be between noon and one o'clock in the afternoon.

Publication of the law against corruption.

99. The returning officer shall publish at length and post up at the same time and in the same places as his proclamation, the provisions respecting corrupt practices enacted by sections 245, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 264, 265, 266, 267, 268, 269, 270, 272 and 274 of this act.

Posting up.

100. The returning officer shall cause the proclamation to be posted up at least eight days before the day of the nomination of the candidates, the day of the posting and that of the nomination not being included in such delay, in four of the most public and conspicuous places in each municipality or part of a municipality, included in the electoral district

If any municipality has been divided into wards, the proclamation shall be posted up, in four of the most public and conspicuous places, in each ward of the municipality.

Gaspé and Chicoutimi and Saguenay.

101. Any proclamation announcing an election in the electoral districts of Gaspé, and of Chicoutimi and Saguenay, may be published and posted up within the twenty days next after the receipt of the writ of election, by the returning officer, provided the same be posted up, throughout the whole district, at least fifteen days for Gaspé, and eight days for Chicoutimi and Saguenay, before the day of nomination

Gaspé.

102. In the case of an election for the electoral district of Gaspé, if the returning officer cannot, from difficulties of navigation, communicate with the Magdalen Islands, the election shall not be annulled, from the proclamation not having been published in such Islands.

Change of nomination day.

103. If, owing to unforeseen delays, accidents or other causes, the proclamation cannot be posted up, so as to allow the period required between the day of the posting and that of the nomination, or if any one of the persons brought forward as candidates die before the close of the poll, the returning officer may fix and establish another day for the nomination of candidates.

Such day shall be the earliest possible after the expiration of the delay required between the day of the posting and that of the nomination.

In all other respects such election shall be conducted as in ordinary cases.

The returning officer in his return of the election, shall transmit to the clerk of the crown in chancery, a special return of the reasons which so occasioned the postponement of the election.

IV.—NOMINATION OF CANDIDATES.

104. Every candidate shall be nominated or brought forward as candidate, by means of a nomination paper made in accordance with the rules hereinafter specified, and in the form H. Mode.

105. Each nomination paper shall be signed by at least twenty-five electors qualified to vote in the electoral district, for which the election is held, and shall give the christian name and surnames, residence, profession or description of the candidate, in such manner as sufficiently to establish his identity. Signature of 25 electors.

The mark affixed upon the nomination paper by any elector unable to write, shall be deemed to be the signature required, according to the meaning of this act. Mark.

106. Each nomination paper shall be accompanied by the consent in writing of the person nominated, except such person be absent from the province. In the latter case the nomination paper shall set forth his absence. Consent of candidate.

107. The nomination papers shall be filed with the returning officer at the hour and place indicated in the proclamation, by any one of the subscribing electors, or by the person nominated, or by any one on their behalf. Filing of nomination paper.

108. The nomination papers may also be filed with the returning officer, at any other place and at any other time between the date of the proclamation and the day of nomination, with the same effect as if produced at the time and place set forth in the preceding section. Filing before nomination.

109. A sum of two hundred dollars shall be paid into the hands of the returning officer by each candidate, on the delivery of the nomination paper to that officer. Deposit.

This sum shall be returned to him in the event of his being elected or of his obtaining at least one-half of the votes polled in favor of the candidate elected; otherwise it shall belong to the province of Quebec.

The different sums so paid and not withdrawn, shall be, by the returning officer, applied towards the payment of the election expenses; and an account thereof shall be rendered to the provincial treasurer.

Receipt.

110. The receipt, which the returning officer shall give on demand, shall be sufficient evidence that the nomination paper and the written consent of the candidate have been produced, and that the required sum has been paid.

Affidavit.

111. Every nomination paper shall also be accompanied by one or more affidavits, in the form I, sworn before the returning officer or a justice of the peace, and setting forth :

1. That the deponent knows that the subscribers to the nomination paper, or at least twenty-five from among them, are electors entered upon some of the lists of electors in force in the electoral district, and that they have signed in his presence ;

2. That the consent of the candidate was subscribed in presence of the deponent, or that the person nominated is absent from the province.

Attestation of signatures.

112. The capacity of elector and the signature or mark of each of the subscribers to the nomination paper, or of at least twenty-five of them being electors qualified to vote, shall be so established by affidavit, but they may be so in one or more separate affidavits, and by one or more separate persons.

Attestation of consent.

113. The consent of the candidate may also be established by the oath of another person.

Oath of candidate.

114. If the nomination paper is produced by the candidate himself, the returning officer shall require such candidate to make oath that the signature subscribed to the consent is his signature; and in such case the affidavit of another person, in relation to the consent of the candidate, shall not be required.

Validity of nomination papers.

115. No nomination paper shall be valid or carried into effect by the returning officer, unless it is made and delivered in conformity with the formalities prescribed by sections 104, 105, 106, 107 or 108, 109, 111, 112, 113, and 114.

Mention of affidavit.

116. The returning officer shall endorse on the nomination paper, the fact of the production of any affidavit given under sections 111, 112 or 113, as the case may be, and of the taking of the oath under section 114.

117. If at the expiration of the delay fixed for the no-^{Election of one} mination, one person only is placed in nomination, the ^{candidate.} returning officer shall forthwith report to the clerk of the crown in chancery, in the form J, that such candidate has been elected.

118. He shall transmit, within the forty-eight hours ^{Return.} following, a duplicate or certified copy of his return, to the person elected.

119. The returning officer shall accompany his return, ^{Report.} with a report of his proceedings, in which he shall mention any nomination rejected by him for non-compliance with the requirements of this act.

120. If, on the contrary, there are more candidates than ^{Granting a} one, it shall be the duty of the returning officer to adjourn ^{poll.} the election for the opening of the poll.

121. After the delay fixed for the nomination has elapsed, ^{List of candi-} the returning officer shall deliver *gratis* unto every can- ^{dates.} didate or the agent of every candidate, on demand to that effect, a certified list of the names of the persons nominated.

All votes given at the election for persons other than those so nominated shall be null.

122. Any candidate nominated may at any time before ^{Withdrawal of} the closing of the poll withdraw, by filing with the return- ^{candidate.} ing officer, a declaration in writing to that effect, signed by himself.

Such declaration, to be valid, shall be accompanied by an affidavit of one or more persons sworn before the returning officer or a justice of the peace, establishing that the candidate withdrawing, voluntarily, and after reading such declaration, signed the same in their presence.

All votes given in favor of one candidate who shall have thus retired, shall be null and void.

123. If after any withdrawal, one candidate only ^{Duties of ret.} remains, it shall be the duty of the returning officer to ^{off.} declare him elected, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal be filed on the polling day.

V.—ELIGIBILITY IN, AND DECLARATION REQUIRED OF CANDIDATES.

124. No person shall be elected a member of, or vote or sit ^{Eligibility.} as such, in the legislative assembly of this province, who is

not at least twenty-one years of age, of the male sex, a subject of Her Majesty by birth or naturalization, free from all legal incapacity, and proprietor in possession of lands or tenements in the province, of the value of two thousand dollars, over and above all rents, hypothecs, incumbrances and hypothecary claims thereon.

And every person who shall sit or vote without having the qualification required by this section, shall incur a penalty of two thousand dollars, for each day he shall have so voted or sat.

**Declaration
required.**

125. Every candidate at an election shall, if a demand in writing to that effect has been filed with the returning officer, before one o'clock on the afternoon of the nomination day, by any other candidate, or by any elector, make, subscribe and deliver to the returning officer, the following declaration :

" I, A. B., do declare and certify that I am duly seized to my own proper use and benefit, of lands or tenements in the province of Quebec, of the value of at least two thousand dollars, over and above all rents, hypothecs, incumbrances and hypothecary claims charged upon or due or payable out of or affecting the same ; and that I have not collusively or colorably obtained a title to or become possessor of the said lands and tenements, or of any part thereof, for the purpose of qualifying myself to be returned a member of the legislative assembly of the province ; and I further declare that the lands and tenements in question consist of *(give here an accurate description of the lands and tenements, on account of which the candidate deems himself qualified, as also the localities in which they are situated.)*"

Notice of demand of declaration.

126. The returning officer, unless he has either personally or through the election clerk, notified the candidate himself or one of his authorized agents, of the demand of declaration made upon him under the preceding section, shall be bound to give public notice of such demand, and to cause such notice to be posted up in the municipality in which the nomination has taken place, in the localities where the proclamation announcing the election have been posted up.

But no fees and travelling expenses shall be granted to him, in respect of such notice or posting.

Delivery of the declaration.

127. Any candidate, from whom the declaration specified in section 125, has been required, shall be bound to deliver such declaration, within the eight days following the nomination, to the returning officer, or to the clerk of

the crown in chancery if the returning officer has made his return.

128. The default to produce such declaration shall not, ^{Default.} however, have the effect of preventing a candidate from being declared elected, if he ought to be so declared, by reason of the absence or withdrawal of other candidates, or from having obtained the greatest number of votes.

129. If the candidate elect does not possess the real estate ^{Contestation.} qualification required, his election may be contested and set aside, according to *The Quebec controverted elections act*, 1875.

If, on the contrary, he has such qualification and has ^{Expenses on this head.} neglected to produce the declaration required, the costs of contestation on this ground, shall be borne by him.

130. Any person, who is, or intends to be, a candidate for election to the legislative assembly, may make voluntarily, ^{Voluntary declaration.} at any time before the day of the nomination, the declaration mentioned in section 125, and may transmit the same or cause the same to be transmitted to the returning officer.

131. Any declaration given under the preceding section shall be made before the returning officer, or before a ^{Before whom made.} justice of the peace; and such returning officer or justice of the peace shall attest such declaration, by writing below the same, the words: "Taken and acknowledged before me," or other words to the same effect, and by dating and signing the attestation.

132. Every candidate who shall have delivered or caused ^{Effect thereof.} to be delivered a declaration so voluntarily made and attested to the returning officer, on or before the day of the nomination, shall be deemed to have complied with the law as to such declaration.

The returning officer, on demand, shall give without delay under his hand, an acknowledgment of the delivery of such declaration to the person delivering the same, under a penalty of one hundred dollars, or of imprisonment for three months in default of payment.

133. For all the purposes of the election, each declaration shall be deemed to have been made upon the day, on ^{When declaration deemed made.} which it shall have been so delivered to the returning officer by the candidate, or by some one on his behalf, whatever be the date of the attestation thereof; and the possession of the declaration shall be *prima-facie* proof that the bearer has been authorized by the candidate to deliver the same to the returning-officer.

Penalty.

134. Whosoever shall, wilfully and knowingly, make a false statement in the declaration given under section 125 or section 130, shall incur a penalty of five hundred dollars, or imprisonment for twelve months in default of payment.

Prohibition to substitute other estate.

135. No candidate shall subsequently substitute other lands and tenements for those specified, in the declaration given by him under any of the sections mentioned in the preceding provision.

Candidate deemed qualified.

136. Every candidate, from whom the declaration mentioned in the section 125, shall not have been demanded before one o'clock of the afternoon of the day of the nomination, shall, until proof to the contrary, be deemed to be the proprietor and in possession of lands and tenements to the amount required.

VI.—PRELIMINARIES OF THE VOTING.

Notice of voting.

137. When a poll is necessary, the returning officer shall cause notices to be posted up, in the form K, announcing the fact of a poll being about to be held in the electoral district, and specifying the names, domiciles and occupations of the persons nominated, in the order in which they are printed in the ballot papers mentioned in section 149.

He shall at the same time post up printed copies of the directions for the guidance of electors in voting.

Posting.

138. Such notices and directions shall be posted up, as soon as possible after the nomination of the candidates, in all places in which the proclamation announcing the election has been posted up.

Returning officer shall have lists.

139. The returning officer shall procure for himself the different lists of electors or certified copies or extracts from such lists, from the registrars, clerks, secretary-treasurers or other officers, who are the lawful custodiers thereof.

Penalty.

Every officer neglecting or refusing to furnish such copies or extracts of lists of electors, within a reasonable delay, to the returning officer applying for the same, shall incur a penalty of two hundred dollars, or imprisonment for six months in default of payment.

He shall not decide their validity.

140. The returning officer shall, in no case, have the right to decide upon the validity or sufficiency of the list of electors.

1. Of Deputy Returning Officers.

141. The returning officer, by warrant under his hand, ^{Dep. ret. officer.} according to form L, shall appoint a competent person to act as deputy returning officer, at each poll established by him.

142. If a deputy returning officer dies, or is prevented ^{New dep. ret. officer.} from discharging his office by sickness, absence or other cause, or if he refuses to accept such office, or neglects to discharge the duties thereof, the returning officer shall appoint another person competent to act as deputy returning officer.

The new deputy returning officer shall be bound to discharge all the obligations of such office, under the same penalties as the first, in case of refusal or neglect.

143. Each deputy returning officer, before acting as such, ^{Oath.} shall take and subscribe before the returning officer or before a justice of the peace, the oath set forth in form M, and a certificate of the taking of such oath, shall be delivered to him according to form N, by and under the hand of the person administering the same.

144. It shall be the duty of the returning officer to furnish to each deputy returning officer, the list or a copy or ^{Ret. off. shall give list.} extract of the list, containing the names of electors entitled to vote at the poll for which he is appointed.

Each copy, or extract of the list, shall be certified, either by the returning officer or by the legal custodian of the lists from which such copies or extracts are taken.

145. If the list, extract or copy in the possession of any ^{Loss of list.} deputy returning officer has been lost or destroyed, it shall be the duty of the returning officer to provide that another certified list, extract or copy, is supplied to such deputy returning officer.

146. The returning officer shall, at least two days before ^{Ballot box.} the voting, deliver to each deputy returning officer, a ballot box to receive the ballot papers of the electors.

Such ballot box shall be made of durable material, with lock and key, and a slit or narrow opening in the top, and so constructed that the ballot paper may be introduced therein, but cannot be withdrawn therefrom, without opening the box.

147. When the returning officer has not supplied the ^{Dep. ret. off. shall cause one to be made.} deputy returning officer with the ballot box within the delay prescribed in the preceding section, it shall be the duty of the latter to cause one to be made.

Ballot papers. **148.** The returning officer shall furnish the deputy returning officer of each poll, with a sufficient number of ballot papers to supply the number of electors entitled to vote at such poll, and with the necessary materials for voters to mark their ballot papers.

All ballot papers shall be of the same description, and as nearly as possible alike.

Form of ballot paper. **149.** The ballot paper of each elector shall be a printed paper with an annex drawn up according to form O, specifying the names and description of the candidates alphabetically arranged in the order of their surnames, or if there be several candidates with the same surname, in the order of their christian names.

The names and description of each candidate shall be set forth on the ballot paper, as they shall have been set forth on the nomination paper.

Directions. **150.** The returning officer shall also furnish to each deputy returning officer at least ten copies of printed directions for the guidance of voters in voting.

Posting up. The deputy returning officer shall, on the day of the voting, at or before the opening of the poll, cause copies of such directions to be posted up in some conspicuous place outside of the poll, and also in each compartment of the poll.

2. *Of Poll Clerks.*

Poll clerk. **151.** Each deputy returning officer shall forthwith appoint, by a commission, under his hand, according to form P, a competent person as poll clerk, to assist him in the execution of his duties.

New poll clerk. **152.** If the poll clerk dies, or is prevented from executing his office by illness, absence or other cause, or if he refuses to accept such office, or neglects to discharge the duties thereof, the deputy returning officer shall appoint another person competent to act as poll clerk.

The new poll clerk shall be bound to discharge all the obligations of such office, under the same penalties as the first, in case of refusal or neglect.

Oath. **153.** Every poll clerk, before acting as such, shall take and subscribe, either before the returning officer, or deputy-returning officer who appointed him, or before any justice of the peace, the oath set forth in form Q.

A certificate of the taking of such oath shall be delivered to him according to form R, under his hand by the person administering the same.

154. The poll clerk, at the poll for which he shall have ^{Duties.} been appointed, shall be bound to aid and assist in the execution of his duties, the deputy returning officer appointed to keep the poll at such place, and to obey the orders of such deputy returning officer.

155. In the event of the deputy returning officer refusing ^{Replaces the} or neglecting to discharge the duties of his office, or ^{dep. ret. off.} becoming unable to do so, and of no other deputy returning officer appointed instead of the former, presenting himself at the poll, the poll clerk shall, under the same penalties as those imposed upon a deputy returning officer, act as deputy returning officer, and fulfill all the duties and obligations thereof, in the same manner as if he had been appointed deputy returning officer, without being obliged, for such purpose, to take any new oath.

156. Whenever any poll clerk shall act in the case ^{Appoint a poll} provided for in the preceding section, he shall have power ^{clerk.} to appoint, by commission under his hand, according to form S, another person as poll clerk to aid and assist him, and to administer to such person the oath required of a poll clerk under this act.

Such poll clerk shall have the same obligations to discharge, as if he had been appointed by the deputy returning officer, and shall incur the same penalties in the event of refusal or neglect.

VII.—VOTING.

157. The voting shall take place in a room or building of ^{Place of} convenient access, with a door for the admittance of ^{voting.} the voters, and having, if possible, another door through which they may leave, after having voted.

158. One or two compartments shall be made within the ^{Compartment,} room, so arranged that each voter may be screened from observation, and may, without interference or interruption from any person whomsoever, mark his ballot paper.

159. Each deputy returning officer shall open the poll ^{Hours of} assigned to him, at the hour of nine of the clock in the ^{voting.} morning, and keep the same open, until five of the clock in the afternoon.

He shall, during that time, receive, in the manner here- ^{Reception of} inafter prescribed, the votes of the electors duly qualified to ^{votes,} vote at such poll, and applying to vote thereat.

Who may remain in the room.

160. In addition to the deputy returning officer and the poll clerk, no persons other than the candidates, and their agents not exceeding two in number for each candidate, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open.

In the absence of agents of any candidate, two electors may, on application to such effect, represent such candidate.

Oath of agents.

161. One of the agents of each candidate, or in the absence of such agent one of the electors representing a candidate under the preceding section, shall take the oath in the form T, to keep secret the names of the candidates for whom any of the voters may have marked his ballot paper in their presence, as prescribed by section 172.

Examination of the box.

162. At the hour fixed for opening the poll, the deputy returning officer and the poll clerk shall, in the presence of the candidates, their agents, or the electors present, open the ballot box and ascertain that there are no ballots or other papers in the same.

The box shall thereafter be at once locked, and the deputy returning officer shall keep the key thereof.

Voting.

163. Immediately after the box shall have been locked, the deputy returning officer shall call upon the electors to vote.

Facility of voting.

164. It shall be the duty of the deputy returning officer to facilitate the admittance of every elector into the poll, and to see that he is not impeded or molested, in or about the poll.

Mode of voting.

165. Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and addition, which shall be at once recorded in a poll book to be kept for that purpose by the poll clerk, in the form U.

Idem.

166. If such name be found on the list of electors for the voting sub-division of such poll, the voter shall receive from the deputy returning officer a ballot paper, on the back of which such deputy returning officer shall have previously put his initials, and on the annex whereof, a number corresponding to that opposite the voter's name on the voter's list.

Oath.

167. Nevertheless any elector so presenting himself, before receiving his ballot paper, if thereunto required by the deputy returning officer, the poll clerk, one of the can-

didates or one of their agents, or by any elector present, shall take the following oath, and under such oath answer affirmatively to questions, numbers 1, 2 and 3, and in the negative to questions numbers 4, 5, 6 and 7, of this section :

" You swear to answer the truth and nothing but the truth to the questions which will be put to you : So help you God."

1. " Are you (*name of voter as entered on the list,*) whose name is entered on the list of electors now shown to you ? (*showing the list to the elector.*)

2. " Are you a subject of Her Majesty ?

3. " Are you of the full age of twenty one years ?

4. " Have you voted before at this election, for this electoral district, at this or any other poll ?

5. " Has any promise been made to you, or to your wife, or to any of your relations, friends or other person, to induce you to vote at this election ?

6. " Have you received any thing for yourself, either through your wife or through any member of your family, or in any other manner to induce you to vote at this election, or in relation to your vote at this election, or are you acting, have you acted or do you intend to act, in the interest of any candidate at this election, either as paid carter or paid canvasser, with the view of obtaining anything for your trouble ?

7. " Have you been guilty of any other corrupt practice, which disqualifies you from voting at this election ?"

168. No ballot paper shall be given to any elector, who shall have refused to take the oath or affirmation mentioned in the preceding section, when thereunto required, or who having taken the same, shall not have answered in the manner prescribed in such preceding section. Refusal to swear.

169. Whenever any deputy returning officer has reason to know or believe that any person presenting himself to vote, has already voted at the election, and presents himself with the view of voting again, or that such person desires to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the list of electors, such deputy returning officer, whether he be required to do so or not, shall administer to such person the oath authorized by law. Oath exacted by dep. ret. officer.

170. The elector, on receiving the ballot paper shall forthwith proceed into one of the compartments of the poll, and there shall mark his ballot paper, marking a cross or other mark on the right-hand side, opposite the name of the candidate for whom he intends to vote, after which he shall fold it up and hand it to the deputy returning officer. Preparation of the ballot paper.

Such officer shall ascertain by examination of his initials and of the number, without unfolding the same, that such ballot paper is the same supplied by him to the voter, and after having detached and destroyed the annex, he shall, immediately and in the presence of the voter, place the same in the ballot box.

Entries in poll book.

171. The poll clerk shall enter in the poll book, opposite the name of each elector presenting himself to vote :

1. The word "voted," as soon as his ballot paper shall have been deposited in the ballot box ;

2. The word "sworn" or "affirmed" if the elector has taken the oath or affirmation ; or

3. The words "refused to be sworn" or "refused to affirm" if the elector has refused to take the oath or affirmation.

Aid in preparing ballot papers.

172. The deputy returning officer, on application of any voter who is unable to read or write, or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this act, shall assist such voter :

1. By marking his ballot paper in favor of the candidate mentioned by the voter, in the presence only of the sworn agents or of the sworn electors, as the case may be ; and

2. By placing such ballot paper in the ballot box.

Mention thereof in poll book.

173. Whenever a voter shall have had his ballot paper prepared in conformity to the preceding section, mention of the fact shall be made in the poll book opposite to the name of such voter.

Votes of election officers.

174. Any person who is entitled to vote in the electoral district in which the election is being held, and who has been appointed deputy returning officer, or poll clerk, or agent of one of the candidates, for a poll other than the one where he is entitled to vote, shall, on request, receive from the returning officer, a certificate showing such right to vote and authorizing him to vote at the poll where he shall be employed.

On the production of such certificate, such person, if actually employed at a poll as deputy returning officer, poll clerk or candidate's agent, may vote in the usual manner at such poll, instead of voting at the poll where he would otherwise have been entitled to vote.

Mention.

Mention shall be made in the poll book, opposite the name of such voter, of the fact of his having voted under this section.

Spoiled ballot paper.

175. If an elector has inadvertently marked, spoiled or torn the ballot paper given him, in such manner that it

cannot be conveniently used, he may, on delivering the same to the deputy returning officer, obtain another ballot paper.

176. No person shall vote more than once in the same electoral district. One vote only.

177. If a person representing himself to be a particular elector named on the list of electors, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath specified in section 167, shall be entitled to vote as any other elector. Vote tendered after previous vote in same name.

Mention shall be made in the poll book of the fact of the voter having voted on a second ballot paper, issued under the same name, and that on demand he had taken the required oath or affirmation mentioned in section 167, as well as of any objections made to such vote on behalf of any of the candidates and of the name of such candidate.

178. Whenever the deputy returning officer shall not understand the language spoken by any elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector, with reference to all matters required to enable such elector to vote. Interpreter.

179. Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot paper has been put into the ballot box. Delay to be avoided.

180. No elector shall be allowed to take his ballot paper out of the poll under the penalty of being *ipso facto* deprived of his vote, and further of incurring a penalty not exceeding two hundred dollars, or imprisonment not exceeding six months in default of payment. Prohibition against taking ballot paper away.

181. No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known the name of the candidate, for or against whom he has so marked his ballot paper. Prohibition to exhibit it.

182. With the exception of the case in section 172, no person shall interfere with, or attempt to interfere with, a voter when preparing his ballot paper, or otherwise make any attempt to obtain at the poll information as to the name of the candidate for whom any voter at such poll is about to vote or has voted. Interference prohibited.

183. Every election officer, candidate, agent and elector in attendance at a poll, shall maintain and aid in maintain- Secrecy.

ing the secrecy of the voting at such poll; and none of such persons shall communicate before the poll is closed any information as to whether any person on the list of electors has or has not applied for a ballot paper, or voted at that poll.

Idem.

184. No election officer, candidate, agent, elector, or other person shall communicate, at any time, to any person, any information obtained in a poll as to the name of the candidate for whom any elector is about to vote or has voted.

Penalty.

185. Whoever acts in contravention of any of the provisions of the four preceding sections, shall be liable to a penalty not exceeding two hundred dollars, or imprisonment not exceeding six months in default of payment.

Idem.

186. Whoever,

1. Shall fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or

2. Shall fraudulently take out of the poll any one or more ballot papers; or

3. Shall attempt to commit any of the acts specified in this section, shall, for each offence, incur, if he be an election officer or other person engaged in the election, a penalty of one thousand dollars, or imprisonment for two years in default of payment, or if he be any other person, a penalty of five hundred dollars, or imprisonment for six months in default of payment.

Secrecy protected.

187. No person shall, in any legal proceeding, be required to state for whom he has voted at any election.

Certain witnesses need not appear on voting day.

188. No elector summoned as a witness before any judge or tribunal whatever, in this province, shall be compelled to be or appear before such judge or tribunal, on the day during which voting takes place in the electoral district, in which such elector is entitled to vote.

VIII.—COUNTING THE BALLOT PAPERS.

Counting the ballot papers.

189. Immediately after the close of the poll, the deputy returning officer shall open the box containing the ballot papers, and proceed to count the number of votes given for each candidate; and this in the voting room and in presence of the poll clerk, and of the candidates or their agents, or in the absence of any one of the candidates and his agents, in the presence of at least three electors.

190. The deputy returning officer, on reading and counting the ballot papers, shall reject : Rejected ballot papers.

1. All ballot papers which are not similar to those supplied by the deputy returning officer ;
2. All those by which more than one vote has been given ;
- 3. All those upon which there is any writing or marks, or indications by which the voter could be identified.

191. After the other ballot papers have been counted, and a list made of the number of votes given to each candidate, and of the number of ballot papers rejected, all the ballot papers indicating the votes for each candidate shall be put into separate envelopes or parcels ; those rejected shall also be put into a different envelope or parcel. Ballot papers counted and replaced in the box.

All these parcels, after having been endorsed, so as to indicate their contents, shall be put back into the ballot box. ●

192. The deputy returning officer shall take a note of any objection made by any candidate, his agent or any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. His decision shall be final, and shall only be reversed on petition, questioning the election or return. Objections noted and decided.

Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy returning officer.

193. The deputy returning officer shall make out a statement indicating the number : Statement of ballot papers, and suffrages.

1. Of the accepted ballot papers ;
2. Of the votes given to each candidate ;
3. Of the rejected ballot papers ;
4. Of the spoiled and returned ballot papers ; and
5. Of the ballot papers which have not been used and which are returned by him.

He shall make and keep a copy of such statement and Placed in box. enclose the original in the ballot box.

194. He shall also place in the ballot box, all lists of electors used by him, after having written at the foot of each of such lists a statement certifying the total number of electors who voted on such list. Documents placed in box.

The poll book, his commission, that of the poll clerk, their oaths of office, unused ballot papers and all other lists or documents that may have been used or required at such election, shall also be placed by the deputy returning officer in the ballot box.

195. The ballot box shall then be locked and sealed, and shall be returned to the returning officer, or to the election clerk. Delivery of the box.

Special messenger.

196. If either of these officers be unable to receive or collect the ballot boxes, such boxes shall be delivered to one or more persons specially appointed for that purpose by the returning officer.

Oath.

Such persons, on delivering the ballot boxes to the returning officer, shall take the oath given in form W.

Oaths of ret. off. and clerk.

197. The deputy returning officer and poll clerk shall respectively take the oaths according to forms X and XX, each taking the oath proper to him.

The deputy returning officer may take such oath before the poll clerk.

Such oaths shall be annexed to the statement mentioned in section 193.

Certificate of number of votes.

198. The deputy returning officer, on being requested so to do, shall deliver *gratis* to each candidate or his agents, or in their absence to the electors representing him, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

Secrecy at counting.

199. Every election officer, candidate, agent or elector in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting; and none of such persons shall attempt to ascertain at such counting, the name of the voter whose vote is given in any particular ballot paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

Penalty.

Whosoever shall act in contravention of any provision of this section, shall be punishable by a penalty not exceeding two hundred dollars or imprisonment not exceeding six months, in default of payment.

IX.—CLOSE OF THE ELECTION.

Opening of the boxes by the returning officer.

200. The returning officer, immediately after having received all the ballot boxes, shall proceed to open them, in the presence of the election clerk, and of one other witness, as also in the presence of the candidates, or their respective agents, notified of the day and hour, and shall ascertain the number of votes given for each candidate, from the statements found in the several ballot boxes returned by the deputy returning officers.

Loss of boxes.

201. If the ballot boxes, or any of them, have been destroyed, lost, or not forthcoming, the returning officer shall forthwith ascertain the cause of the disappearance of such ballot boxes, and shall procure from the deputy returning officer whose box is missing or from any other person

having the same, the lists, statements and certificates required by this act, or copies of these documents.

Each of such documents shall be verified on oath taken before the returning officer.

202. If, in the case of the preceding section, the lists, statements, certificates, or copies thereof cannot be obtained, the returning officer shall ascertain by such evidence as he may be able to obtain, the total number of votes given to each candidate at the several polls, where ballot boxes are missing. Manner of establishing the election.

203. In the case of the two preceding sections, the returning officer shall state in his return the circumstances attending the disappearance of the boxes, and the means adopted by him to establish the number of votes polled for each candidate. Report of ret. off. in such case.

204. The candidate who, on the final summing up of the votes, shall be found to have a majority of votes, shall be then declared elected. Candidate elected.

205. When, on the final addition of votes, an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any one of such candidates to be declared elected, it shall be the duty of the returning officer, immediately to give, in presence of the election clerk and of the witness, such additional or casting vote, by declaring in writing, signed by himself, for whom he votes. Casting vote of the ret. off.

In no other case shall the returning officer have the right to vote.

206. Immediately after the final addition of votes, the returning officer shall transmit to the clerk of the crown in chancery his return, indicating the person elected for the electoral district. Return.

In the case of the preceding section, the returning officer shall indicate in his report, the name of the candidate for whom he has given his casting vote.

207. The returning officer shall, without delay, transmit a copy of his report to each candidate, and further to the candidate elect, a certificate in form Y. Certificate of election.

208. The returning officer shall accompany his return to the clerk of the crown in chancery, with a report of his proceedings, in which report, in addition to the statements already required, he shall make any observation he may think proper, as to the state of the ballot boxes or ballot papers as received by him. Report.

Documents to
be transmitted
to clerk of the
C. in C.

209. The returning officer shall also transmit to the clerk of the crown in chancery, with his return, the writ of election, his oath of office, the commission of the election clerk and the oath of such officer, the original statements mentioned in section 200, together with the ballot papers, the lists of electors used in the several polls, and all other lists or documents used or required at such election, or which may have been transmitted to him by the deputy returning officers.

Mode of trans-
mission.

210. The various transmissions required under the four preceding sections shall be sent through the post office, after being registered.

They may also be made personally to the officer entitled to receive them, but without travelling expenses.

Custody of
boxes.

211. After the close of the election the returning officer shall cause the ballot boxes used at the election, to be deposited in the custody of the sheriff of the district, or of the registrar of the registration division, in which the nomination was held.

If he be himself the sheriff or registrar, he shall keep them in his own possession.

Subsequent
use.

212. At the next ensuing election, such ballot boxes shall be delivered to the returning officer for such election, by the then custodier thereof.

X.—GENERAL PROVISIONS.

Publication of
the election.

213. The clerk of the crown in chancery shall, on receiving the return of any member elected to the legislative assembly, publish, in the ordinary issue of the *Quebec Official Gazette*, the name of the candidate elect.

The C. C. C.
shall preserve
papers for a
certain time

214. The clerk of the crown in chancery shall retain in his possession the papers transmitted to him by any returning officer, with the return, for at least one year, if the election or return be not contested during that time, and, if the election or return be contested, then for at least one year after the termination of such contestation.

Shall give
copies thereof.

215. He shall deliver, on application to that end and on payment of a fee of ten cents per hundred words, certified copies of all writs, poll books, reports, returns or other documents in his possession concerning any election, except ballot papers.

Each copy thus certified, shall be *prima facie* proof before any judge, election court, and tribunal in the province.

216. No person shall be allowed to inspect any admitted or rejected ballot papers in the custody of the clerk of the crown in chancery, or obtain the production thereof, except under the rule or order of the superior court of the province, or a judge thereof. Inspection of ballot papers.

Such rule or order shall be granted by such court or judge, on evidence on oath, that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to such ballot papers, or for the purpose of preparing or sustaining a petition questioning an election or return.

Any order, for the inspection or production of ballot papers, may be made, subject to such conditions as to persons, time, place and mode of inspection or production, as the court or judge may think expedient, and the candidates shall be notified of the day and hour fixed for the examination.

Each such rule or order shall be final and without appeal; and shall be obeyed by the clerk of the crown in chancery, under pain of punishment for contempt of court.

217. The property of the ballot boxes, ballot papers, and instruments used in marking ballot papers, procured for or used at any election, shall be in Her Majesty. Property of boxes, ballot papers, &c.

218. Whoever, at any time, before, during, or after the voting, shall : Penalty.

1. Forge or counterfeit, or fraudulently alter, deface or destroy any ballot paper; or

2. Without authority, supply one or more ballot papers to any person whomsoever, or mark the same; or

3. Destroy, take, open or manipulate, without authority, any ballot box, or parcel of ballot papers which are or have been used, at an election; or

4. Attempt to commit any breach of the provisions of this section.

Shall incur, for each offence, if he be an election officer or other person engaged in the election, a penalty of one thousand dollars, or imprisonment for two years in default of payment; or, if he be any other person, a fine of five hundred dollars, or imprisonment for six months in default of payment.

219. Any person, producing to the returning officer or deputy returning officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate within the meaning of this act. Authorized agent.

220. A candidate may himself undertake the duties which any agent of his, if appointed, might have under- The candidate is his own agent.

taken, or may assist his agent in the performance of such duties.

He may be present at any place, in which the presence of his agent is authorized by this act.

Agents present.

221. Where in this act any provision requires or authorizes any act to be done, or implies that any act is to be done in the presence of the agents of the candidates, such provision shall be deemed to refer to such agents of the candidates as may be authorized to attend, and as have, in fact, attended at the time and place where such act was done.

Absence.

The non-attendance of any agents or agent shall not, if the act or thing be otherwise duly done, invalidate the same.

Errors and omissions which do not annul the election.

222. No election shall be declared invalid by reason :

1. Of non-compliance with the formalities contained in this act, as to the proceedings of the voting or the counting or summing up of the votes ; or,

2. Of any mistake in the use of the forms annexed to this act,

If it appears to the tribunal having cognizance of the question, that the election was conducted in accordance with the principles laid down in this act, and that such non-compliance or mistake did not affect the result of the election.

XI.—PROVISIONS APPLICABLE TO THE VARIOUS ELECTION OFFICERS.

Who shall not be election officers.

223. The following persons shall not be appointed returning officers, election clerks, deputy returning officers, or poll clerks :

1. Members of Her Majesty's privy council, of the senate and commons of Canada ;

2. Members of the executive council, the legislative council and the legislative assembly of this province, and of any other province of the Dominion ;

3. Ministers, priests or ecclesiastics of any religion or religious denomination whatsoever ;

4. Judges of the court of Queen's bench, of the superior court, of the court of Vice-Admiralty and general sessions of the peace, recorders, and district or police magistrates ;

5. Any person who has served as a member of the legislative assembly or legislative council, in the session immediately preceding the election, or in the session then being held, if the election takes place during a session of the legislature ;

6. Sheriffs, registrars, or other persons who shall have been found guilty by the legislative assembly, or by any

court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty under this act.

224. No person, who has been nominated as a candidate at an election, shall be afterwards appointed an election officer for such election. Candidate cannot be one.

225. No person who has been, by the two preceding sections declared to be ineligible to act as returning officer, election clerk, deputy returning officer, or poll clerk, shall in any case, act in any such capacity, under a penalty of one hundred dollars, or imprisonment for three months in default of payment. Penalty.

226. None of the following persons, unless they be sheriffs or registrars, shall be obliged to act in the capacity of returning officer, election clerk, deputy returning officer, or poll clerk : Exemption.

1. The professors of any university, college, seminary, lyceum or academy ;
2. Physicians and surgeons ;
3. Millers ;
4. Post-masters and custom house officers, or employés in the post offices or custom houses ;
5. Persons aged sixty years or over ;
6. Persons who have already served as returning officers, in the preceding election.

227. No person shall be obliged to act as deputy returning officer or poll clerk, in any municipality in which he is not domiciled. Idem.

228. Any person, even the sheriff or registrar, who intends to come forward as a candidate at an election, shall be exempt from acting as returning officer, election clerk, deputy returning officer or poll clerk, at such election. Idem.

229. Whoever is entitled to claim the exemption granted by either of sections 226, and 228, shall claim such exemption within the two days after receipt of the writ of election or commission, as the case may be, by a letter setting forth the reasons for his claim, addressed to the officer who had given the commission, or transmitted the writ of election. Demand of exemption.

In default of so doing, he shall be debarred from claiming such exemption, and subject to the penalties prescribed for his refusal to accept.

230. Any person, being competent to discharge the office of returning officer, election clerk, deputy returning Persons bound to accept.

officer or poll clerk, shall be obliged to accept such office, unless he be exempt and has claimed exemption within the prescribed delays, under a penalty of two hundred dollars, or of imprisonment for six months in default of payment.

Penalty for refusal or neglect.

231. Any returning officer, election clerk, deputy returning officer, or poll clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this act, shall for each such refusal or neglect be liable to a penalty of two hundred dollars, or imprisonment for six months in default of payment, except in the cases otherwise provided for.

Oath administered by the ret. off. or the dep. ret. off.

232. The returning officer at any election shall have the power of administering all the oaths or affirmations required by this act, with respect to such election.

Every deputy returning officer shall also have the power of administering such oaths and affirmations, except only such as may be required to be administered to the returning officer.

Manner of giving notice.

233. When the returning officer or the deputy returning officer is by this act required or authorized to give any public notice, and no special mode of giving the same is mentioned, he may give the same by advertisement, placards, handbills, circulars or such other means, as he may think best calculated to give information to the electors.

Who cannot be agent.

234. No returning officer, or deputy returning officer, or partner or clerk of either of them, shall act as agent of any candidate in the organization or management of his election for such electoral district, under a penalty of two hundred dollars, or imprisonment for six months in default of payment.

Penalty on ret. off.

235. Any returning officer who wilfully delays, neglects or refuses to declare elected any person entitled to be declared elected a member of the legislative assembly for any electoral district, in case it has been determined on the hearing of an election petition respecting the election for such electoral district, that such person was entitled to have been returned, shall be subject to a penalty in favor of such person of one thousand dollars, together with all damages sustained by reason thereof.

The action however for the recovery of such damages and fine must be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the proceedings relating to the contestation of the election, in default whereof, such action shall be barred.

XII.—MAINTENANCE OF PEACE AND GOOD ORDER.

236. Every returning officer, and every deputy returning officer, from the time they shall respectively have taken the oath of office, until the day after the closing of the voting, shall be a conservator of the peace, invested with all the powers appertaining to a justice of the peace. Ret. off. and
dep. ret. off.
conservators of
the peace.

237. The returning officer, or deputy returning officer, may require the assistance of justices of the peace, constables, or other persons present, to aid him in maintaining peace and good order at such election; he may also, on a requisition, made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary. Aid and
constables.

238. The returning officer or deputy returning officer may arrest, or cause to be arrested, by verbal order, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the election, or may cause such persons to be imprisoned, under an order signed by him, until any period not later than the close of the voting. Arrest.

No such arrest, detention or imprisonment, shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any penalties to which he has become liable by reason of any thing by him done contrary to the true intent and meaning of this act or otherwise.

239. The returning officer, or deputy returning officer, may, during the nomination day and polling day require any person within half-a-mile of the place of nomination or of the poll, to deliver to him any fire-arm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person. Carrying arms,
forbidden.

And any person refusing to deliver such offensive weapons shall be liable to a penalty of one hundred dollars, or imprisonment for three months in default of payment.

240. No person who is not domiciled within the limits of a voting sub-division or ward of a city, shall be permitted to enter such voting sub-division or ward during the voting in such sub-division or ward, with any kind of offensive weapons whatsoever, such as fire-arms, swords, staves, bludgeons or other similar weapons. Idem.

241. No persons within the voting sub-division, or ward, shall be allowed to arm themselves during the day of voting with any offensive weapon, and thus armed approach within a distance of one mile of the place where a poll is being held, unless called upon to do so by lawful authority. Idem.

Exception.

242. The prohibitions mentioned in the two preceding sections shall not apply to the returning officer, or to the election clerk, or to the deputy returning officer or poll clerk, or to the constables or special constables at any election.

Furnishing flags to, forbidden.

243. No candidate or other person shall furnish or give to any person whomsoever any flag, standard, banner, distinctive colour, ribbon, signal, cockade, or any thing of such nature, to the end that the same may be carried or used within the electoral district, between the eighth day before the nomination day and the day following the close of the voting, as a banner or party signal, distinguishing the bearer or his followers as partisans of such candidate, or holding the same opinions, or the opinions supposed to be held by such candidate.

Carrying them, forbidden.

244. No person, upon any pretence whatever, shall carry any flag, standard, ensign, banner, distinctive colours, ribbon, signal, cockade or any other similar thing, nor shall the same be used as a banner or party sign within the limits of such electoral district, from the day of nomination until the day after the close of the voting.

Treating, forbidden.

245. No candidate shall, at any election, nor shall any other person, at the expense of such candidate, either provide or furnish drink, or other refreshment, to any elector, during such election, or pay for, procure or engage to pay for, any such drink or other refreshment.

Penalty.

246. Every person offending against any of the provisions of the six preceding sections, shall incur a fine not exceeding two hundred dollars, or imprisonment not exceeding six months in default of payment.

Hotels to be closed.

247. Every hotel, tavern, shop or store, whether licensed or not, in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the day of voting in the voting sub-divisions or wards of a city, in which the polls are situated, under a penalty of two hundred dollars, or imprisonment for six months in default of payment.

Sale of liquors, forbidden.

No spirituous or fermented liquors or drinks shall be sold or given to any person whomsoever, within the limits of a voting sub-division or ward of a city, during the said period, under a penalty of two hundred dollars, or imprisonment for six months in default of payment.

THIRD PART.

1.—MEANS OF PREVENTING CORRUPT PRACTICES AT ELECTIONS.

248. Any act or offence punishable under any of the provisions of sections 249, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261 and 262, shall be corrupt practice within the meaning of the present act and of *The Quebec controverted elections act*, 1875. Corrupt practice defined.

249. The following persons shall be deemed guilty of bribery, bribery, and shall be punishable accordingly :

1. Every person who directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or endeavors to procure, any money or valuable consideration, to or for any elector, or to or for any person on behalf of any elector, or to or for any person, in order to induce any elector to vote, or refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election ; Gift, loan, valuable consideration, &c., to induce to vote, or refrain from voting.

2. Every person who directly or indirectly, by himself, or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure, or endeavors to procure any office, place or employment, to or for any elector, or to or for any other person in order to induce such elector to vote, or refrain from voting, or corruptly does any such act as aforesaid, on account of any elector having voted or refrained from voting at any election ; Gift or promise of office, &c., with same view.

3. Every person who directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the legislative assembly, or the vote of any elector at any election ; Same acts to promote an election.

4. Every person, who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or promises or endeavors to procure the return of any candidate to the legislative assembly or the vote of an elector at any election ; Work at such election by reason of such acts.

5. Every person who advances or pays, or causes to be paid, any money to, or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery, or corrupt practices, at any election, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money Advance and payment of money to corrupt.

wholly or in part expended in bribery or corrupt practices at any election.

Legal expenses.

250. Nevertheless, the actual personal expenses of any candidate, including his expenses for professional services really rendered, and reasonable sum paid in good faith, for necessary printing and advertisements, shall be deemed to be expenses lawfully incurred, the payment whereof shall not constitute a breach of this act.

Bribery.

251. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly :

Voters receiving gifts, &c., before or during an election.

1. Every elector who, before or during any election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election ;

Or after an election.

2. Every person who, after any election, directly or indirectly, himself or by any other person on his behalf, receives any money, gift, loan, or valuable consideration office, place or employment for having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

Bribery in relation to a candidate.

252. Whosoever, to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has so become :

1. Shall give or lend money, or valuable consideration whatever, or shall agree to give or lend, or shall offer or promise, or shall promise or try to procure for such person, or for any other person, money or valuable consideration whatever ; or

2. Shall give or procure any office, place or employment, or shall agree to give or procure, or shall offer or promise, or shall promise to procure or endeavor to procure such office, place or employment for such or any other person.

Shall be deemed guilty of bribery, and punishable accordingly.

Bribery to be or to not be a candidate.

253. Whoever in consideration of any gift, loan, offer, promise or agreement, as mentioned in the preceding section, shall allow himself to be nominated, or refuse to allow himself to be so nominated, or shall withdraw if he has been so nominated, shall be deemed guilty of bribery, and shall be punishable accordingly.

254. Any candidate or his agent who takes any bet or wagers for-
wager, concerning, or in relation with any election, with a bidden.
qualified elector shall, as shall also such elector, be deemed
guilty of bribery and shall be punishable accordingly.

255. Any person guilty of any of the acts of bribery Penalty.
mentioned in sections 249, 251, 252, 253 and 254, shall be
liable to a penalty of two hundred dollars, or imprisonment
for six months in default of payment.

256. Every candidate who corruptly, by himself or by Treating by a
or with any person, or by any other ways or means on his candidate.
behalf, at any time either before, during or after any election,
directly or indirectly gives or provides, or causes to be
given or provided, or is accessory to the giving or provid-
ing, or pays wholly or in part any expenses incurred for
any meat, drink, refreshment or provision to or for any
person, in order to be elected or for being elected, or for
the purpose of corruptly influencing such person or any
other person, to give or refrain from giving his vote at such
election, shall be deemed guilty of the offence of treating Penalty.
and shall be liable to a penalty of two hundred dollars, or
imprisonment for six months, in default of payment.

On the trial of an election petition, there shall be struck Votes struck
off from the number of votes given for such candidate, one off.
vote for every person who shall have so voted, and is proved
on such trial to have corruptly accepted or taken any such
meat, drink, refreshment or provision.

257. The giving, or causing to be given, to any elector Treating.
on the nomination day or day of voting, on account of such
elector having voted or being about to vote, any meat, drink
or refreshment, or any money or ticket, to enable such elector
to procure refreshment, shall be deemed an unlawful act.
And whoever shall have been guilty of such unlawful act Penalty.
shall for each offence be liable to a penalty of ten dollars, or
imprisonment of one month in default of payment.

258. Every person who, directly, or indirectly, by him- Undue in-
self or by any other person on his behalf, makes use of, or fluence.
threatens to make use of any force, violence or restraint, or
inflicts, or threatens the infliction by himself, or by or through
any other person, of any injury, damage, harm or loss of
employment, or in any manner practices intimidation upon
or against any person, in order to induce or compel such
person to vote or refrain from voting, or on account of such
person having voted or refrained from voting at any elec-
tion ; and

Every person who, by abduction, duress, or any frau-
dulent device or contrivance, impedes, prevents, or other-

wise interferes with the free exercise of the franchise of any elector, or thereby compels, induces or prevails upon any elector either to give or refrain from giving his vote at any election,

Penalty. Shall be deemed to be guilty of the offence of "undue influence," and shall be punishable accordingly by a penalty of two hundred dollars, or imprisonment for six months in default of payment.

Subornation. **259.** Every person who, in any manner, induces or constrains, or attempts to induce or constrain any one to take a false oath, in any matter in which an oath is required in virtue of the present act, shall, for the purposes of this act, over and above any other punishment to which he may be liable for such offence, be liable to a fine of two hundred dollars, or an imprisonment of six months in default of payment.

Personation. **260.** The following persons shall be deemed to be guilty of the offence of personation and shall be punishable accordingly by a penalty of five hundred dollars or imprisonment for six months in default of payment :

Penalty.

1. Whoever, during the voting at an election, applies for a ballot paper, or presents himself to vote, in the name of some other person, whether such name be that of a living, dead or fictitious person ;

2. Whoever, having already voted at an election, applies at the same election for another ballot paper in his own name or presents himself again to vote ;

3. Whoever, aids, incites, councils or facilitates the commission by any person whomsoever, of any infraction of the provisions of this section.

Conveyance of voters. **261.** The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate or by any other person on his behalf, to convey electors to or from the poll, or to or from the neighbourhood thereof, at any election, or the payment by any candidate, or by any person on his behalf, of the travelling and other expenses of any elector, in going to or returning from any election are unlawful acts.

Penalty. And whoever so offends shall be liable to a fine of one hundred dollars, or imprisonment for three months in default of payment.

Hiring of vehicles. **262.** Whosoever lets or takes to hire any horse, cab, cart, waggon, sleigh, carriage or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying electors to or from the polls, shall, for every such offence be liable to a penalty of one hundred dollars, or imprisonment for three months in default of payment.

Penalty.

263. No person shall be excused from answering any question put to him in any action, suit, or other proceeding in any court, or before any judge, commissioner or other tribunal, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground that the answer to such question tends to expose him to any prosecution or condemnation under this act. Obligation to answer.

But no answer given by any such person, shall be used to his prejudice in any civil proceeding against such person, if the judge, commissioner, or the tribunal, shall give to the witness a certificate, that he claimed the right to be excused from answering on the aforesaid ground, and made full and true answers to the satisfaction of the judge, commissioner, or tribunal. Protection.

264. Every elector who, at any election, shall have been guilty of corrupt practice, or who shall have been a party to the commission of such act, shall *ipso facto* be deprived of his right to vote at such election. Loss of right to vote.

265. At the trial of any election petition, one vote for each person proved to have voted, after having been guilty of corrupt practice, at the instigation of the candidate, of any of his agents, or of any other person acting in the name or in the interest of such candidate, shall be struck from the number of votes given in favor of such candidate. Votes struck off.

266. Every contract, promise, or undertaking, in any way referring to, arising out of, or depending upon, any election under this act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law. Nullity of certain contracts.

But this provision shall not enable any person to recover back any money or other consideration paid for lawful expenses connected with such election. Proviso.

267. If it is proved before any court, or judge for the trial of election petitions, that any corrupt practice has been committed, by or with the actual knowledge and consent of any candidate at an election, his election, if he has been elected, shall be void. Consequence of commission of corrupt practice by a candidate.

And such candidate shall, during the seven years next after the date of such decision, be incapable of being elected to, and of sitting in the legislative assembly, and of voting at any election of a member of that house, or of holding an office in the nomination of the crown, or of the lieutenant-governor in the province. Incapacity.

268. If it is found by the report of any court, or judge for the trial of election petitions, that any corrupt practice If corrupt practice is by agent.

has been committed by any one or more of the agents of any candidate at an election, whether with or without the actual knowledge and consent of such candidate, the election of such candidate, if he has been elected, shall be void.

Engagement
of persons
already con-
victed of cor-
rupt practice.

269. If, on the trial of any election petition, any candidate is proved to have personally engaged at the election to which such petition relates, as a canvasser or agent in relation to the election, any person, knowing that such person has, within eight years previous to such engagements, been found guilty of any corrupt practice, by any competent legal tribunal, or by the report of any judge or other tribunal for the trial of election petitions, the election of such candidate, if he has been elected, shall be void.

Incapacity of
persons con-
victed of cor-
rupt practice.

270. Any person, other than a candidate, found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the seven years next after the time at which he is so found guilty, be incapable of being elected to, and of sitting in the legislative assembly, and of voting at any election of a member of such house, or of holding any office in the nomination of the crown, or of the lieutenant-governor in the province.

Cessation of in-
capacity.

271. If at any time after any person has become disqualified under any of the four next preceding sections, the witnesses, or any of them, on whose testimony such person shall have so become disqualified, are convicted of perjury in respect of such testimony, such person may obtain from the court before which such conviction took place, an order determining that such disqualification ceases and ends.

Such court shall, upon being fully satisfied that such disqualification was procured by reason of such perjury, shall make such order.

And in pursuance thereof such disqualification shall thenceforth cease and end.

Summons to
a person ap-
pearing to
have been
guilty.

272. Whenever it shall appear to the court or judge trying an election petition, that any person has contravened any of the provisions of this act, such court or judge may order that such person, be summoned to appear before such court or judge, at the place, day and hour fixed in the summons for hearing the charge.

Default.

273. If, at the time so fixed by the summons, the party summoned do not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or undergo such imprisonment in default of payment, to which he may be liable for such contravention, in conformity with section 300.

274. If on the contrary, the party so summoned do Appearances. appear, the court or judge, after hearing such party and such evidence as may be adduced, shall give such judgment Decision. as to law and justice may appertain.

275. All fines recovered under the three preceding To whom the sections, shall belong to Her Majesty, and shall form part of penalties belong. the consolidated fund of the province.

276. No fine shall be imposed under sections 273 and When no penalties are incurred. 274 :

1. If it shall appear to the judge or court that the party has already been sued for the same offence ; or

2. If the evidence or admission of the offender is the only proof of the offence.

277. No person who has, under the laws of the Persons incapacitated from sitting in commons, disqualified. Parliament of Canada, become incapacitated from sitting in the House of Commons, on account of corrupt practice, shall, during the whole period of such incapacity, be elected a member of or sit in the Legislative Assembly, or vote at any election of a member thereof, or fill any office at the nomination of the crown, or of the lieutenant-governor, in the province.

II.—ELECTION EXPENSES.

278. No payment except in respect of the personal ex- Expenses paid by agent. penses of a candidate at an election, and no advance, loan or deposit, shall be made by or on behalf of such candidate at any election, before or during or after such election, on account of such election, otherwise than through one or more agents, whose names and addresses have been declared in writing to the returning officer, on or before the nomination day, or through one or more agents to be appointed in their place, as provided by section 280.

Any person making any such payment, advance, loan or deposit otherwise than through an agent appointed under Appointment of agent. this section, or under section 280, shall incur a penalty of Penalty. two hundred dollars, or imprisonment for six months in default of payment.

279. It shall be the duty of the returning officer to pub- Publication of names of the agents. lish on or before the nomination day, the name and address of every agent appointed in pursuance of the preceding section.

280. In the event of the death or legal incapacity of any New agent. agent appointed in pursuance of section 278, the candidate shall forthwith appoint another agent in his place, by giving

notice of the name and address of the person so appointed to the returning officer, who shall forthwith publish the same as provided by the preceding section.

Delay.

281. All persons who have any charges or claims upon any candidate, for or in respect of any election, shall send in such charges or claims, within one month after the day of the declaration of the election, to the agent or agents of the candidate, otherwise such persons shall be barred of their right to recover such charges or claims, or every or any part thereof.

Idem.

282. Nevertheless in the event of the death, within this month, of any person claiming the amount of any charge or claim, the legal representative of such person shall send in such charge or claim, within one month of his obtaining probate or letters of administration, or of his becoming otherwise authorized to act as such legal representative, otherwise the right to recover such claim shall be barred.

Transmission to the candidate.

Such claims and accounts shall and may also be sent to the candidate, if there be no agent, and so long as there is not within the said month, by reason of death or legal incapacity, an agent of the candidate.

Approval required.

283. The agent shall not pay such accounts, charges or claims, without having first approved them himself, and obtained the approval of the candidate.

Statement of expenses.

284. A detailed statement of all election expenses incurred by or on behalf of any candidate, including such expected payments as aforesaid, shall, within two months after the election, be made out and signed by the agent, or if there be more than one, by every agent who has paid the same, and by the candidate in cases of payments made by him, and delivered, with the bills and vouchers relative thereto, to the returning officer.

Supplementary statement.

If, from the death of any creditor, an account has not been sent in, within the two months next after the election, a supplementary statement shall be made and delivered as hereinabove described, within one month after such account shall have been received.

Publication.

285. The returning officer shall, at the candidate's expense, cause to be published, within fourteen days, an extract of such statement, with the signature of the agent attached thereto, in the *Quebec Official Gazette*.

Penalty.

286. Any agent or candidate failing to deliver to the returning officer, the statements required by section 284, shall

incur a penalty of two hundred dollars, or imprisonment for six months, in default of payment.

287. Every agent or candidate wilfully delivering unto ^{Idem.} the returning officer, an inaccurate statement, shall incur a penalty of five hundred dollars, or imprisonment for twelve months in default of payment.

288. The returning officer shall preserve all such ac- ^{Accounts} counts and vouchers, and during the six months next after ^{kept.} they have been delivered unto him, he shall permit any elector to see and examine the same, on payment of a fee of ^{Examination.} twenty cents.

III.—GENERAL PROVISIONS RESPECTING PENALTIES.

289. The following persons shall be liable to a penalty ^{Penalty.} not exceeding two thousand dollars, or imprisonment for twelve months in default of payment :

1. Whoever illegally or maliciously, either by violence or stealth, takes from a returning officer, deputy returning officer, poll clerk, or from any officer or person having the lawful custody thereof, or from the place in which they are then lawfully deposited, any list of electors, any copy of or extract from any list of electors, any writ of election, return to a writ of election, report, certificate, affidavit, or any other document or paper prepared or drawn up in conformity with this act, or in compliance with any of the provisions thereof; or

2. Whoever illegally or maliciously destroys, injures or obliterates them, or with deliberate purpose or maliciously, causes them to be destroyed, injured or obliterated; or,

3. Whoever makes, or causes to be made, any erasure, addition or interpolation of names, in any such documents or papers; or,

4. Whoever aids, abets or contributes to their being taken, destroyed, injured or obliterated, or to the making of erasures, additions, or interpolation of names therein.

290. Whoever aids, abets or procures the commission of ^{Incitement to} or participation in any breach of this act, may be prosecuted ^{breach of act.} and punished, as if he had committed such breach thereof himself.

291. Every punishment by way of fine or imprisonment ^{Penalties in-} imposed by the present act, shall be incurred in addition to ^{currred, with-} any punishment that may be inflicted by the parliament ^{out prejudice} of Canada, for the same offence. ^{to others,}

IV.—PROSECUTIONS RESPECTING PENALTIES IMPOSED BY
THIS ACT.

Who may sue. **292.** Every prosecution concerning a penalty imposed by this act, may be brought by any person of full age, in his own name, by action of debt, before any court having civil jurisdiction for the amount demanded.

Allegations required.

293. It shall be sufficient for the plaintiff in such action or prosecution, to allege in the declaration, that the defendant is indebted to him in the sum of money which he demands, that the offence, for which the action or prosecution is instituted, has been committed, and that the defendant has acted in contravention of this act, without mentioning the writ of election or the return thereto.

Affidavit.

294. No such prosecution shall be instituted, unless with the *præcipe* or demand of summons, there be produced an affidavit of the plaintiff, drawn up in accordance with form Z.

General evidence.

295. It shall not be necessary at the trial of such suit, to produce the writ of election, or the return thereto, nor the authority of the returning officer, but parol evidence of these facts shall be sufficient proof of the same.

Certificate of the ret. off.

The certificate of the returning officer to that effect shall constitute sufficient proof of the election having been held, and of the fact of any person therein stated to have been a candidate, having been such candidate.

To whom the penalty shall belong.

296. The amount of any penalty which a defendant shall be condemned to pay, shall belong to the prosecutor,

Costs.

297. Unless for special reasons the court deems it advisable to order otherwise, the party failing in any such prosecution shall bear the costs thereof, and if such party is the defendant, the costs shall be payable over and above the penalty imposed.

Limitation.

298. Every action or prosecution brought in virtue of this act shall be instituted within twelve months next after the commission of the offence and not later, unless the defendant has by absconding, withdrawn himself from the jurisdiction of the court.

Continuation of proceedings.

Such action or prosecution once begun shall be continued and prosecuted without wilful delays.

Intervention.

299. In the event of suspension or delay at any stage of the proceedings, the judge or court before whom the cause is pending, may permit one or more persons to inter-

vene and carry on such proceedings to judgment and execution ; and in that case the penalty and costs shall belong to the intervening party, who shall cause the same to be levied.

300. If it appears by the return to a writ of execution, or by the subsequent proceedings, that the defendant condemned to a penalty and costs, has no property, or that his property is insufficient to satisfy the judgment, such defendant shall, in virtue of a writ to that end issued by order of the court or of any judge, be imprisoned during the whole period of time specified in the provision of this act, under which the penalty was imposed. Imprisonment ordered, in default of payment.

Nevertheless the defendant may procure his release from such imprisonment, by paying in full, the amount of the penalty and interest, together with the costs incurred as well before as after judgment. Discharge.

V.—FEES AND EXPENSES.

301. The following allowances and sums shall be accorded to the different election officers, for their services and disbursements : Fees.

To Returning Officers.

1. For the personal service of the returning officer, fifty dollars, whether or not polls are held ;

2. For the personal services of the election clerk, four dollars, or if polls are held, eight dollars ;

3. For services of one constable, if considered necessary at the nomination, one dollar ;

4. For printing proclamations, lists of candidates, and directions to electors, actual cost ;

5. For posting proclamations, for each mile necessarily travelled going and returning, actual cost, not exceeding ten cents per mile ;

6. For each mile necessarily travelled by the returning officer and election clerk, in going to and returning from the place of nomination, actual cost not exceeding ten cents per mile ;

7. For posting up notices of voting, in appointing and swearing the deputy returning officers, and furnishing them with ballot boxes, ballot papers, printed directions for the guidance of electors, and lists of electors, actual cost not exceeding ten cents for each mile, necessarily travelled going and returning ;

8. For establishing voting sub-divisions, when such divisions have not been made by the local authorities, actual cost not exceeding ten cents for each mile, necessarily travelled going and returning ;

9. For copies of lists of electors duly certified by the legal custodier thereof, three cents for each ten electors ;

10. For each certificate of such custodier, fifty cents ;

11. For collecting the ballot boxes and lists of electors, used at each poll, and for swearing the deputy returning officers after the close of the voting, actual cost not exceeding ten cents for each mile, necessarily travelled going and returning ;

12. For transmitting returns, to the clerk of the crown in chancery, including postage and telegrams, actual cost ;

13. For use, when a public building is not obtainable, of private building for nomination—actual cost not exceeding four dollars ;

14. For ballot boxes, when furnished by him, and for ballot papers, and for any other disbursements absolutely required and not hereinbefore provided for, actual disbursements ;

To Deputy Returning Officers.

15. For swearing the poll clerk before and after the voting, one dollar ;

16. For his services, four dollars ;

17. For services of poll clerk, two dollars ;

18. For services of one constable, if considered necessary, one dollar ;

19. For mileage of deputy returning officer and poll clerk, in going to and returning from the poll, neither exceeding in any case 20 miles, actual cost not exceeding ten cents per mile ;

20. Actual expenses incurred for the use of polls, not exceeding ten dollars in cities, nor four dollars in other electoral districts ;

21. For making compartment or screen, in voting-room if necessary, a sum not exceeding three dollars.

Additional
sums for cer-
tain localities.

302. The lieutenant-governor in council may, if he is of opinion that the fees and allowances above mentioned, are not sufficient for the services required in the electoral districts of Gaspé, and of Chicoutimi and Saguenay, authorise the payment of such additional sums, as he shall deem just.

New tariff.

303. The lieutenant-governor in council may, if he deems the tariff, prescribed by section 301, not suitable or sufficient, make a new tariff of fees, costs and expenses, to be paid to the different election officers.

He may also, from time to time, revise and amend such tariff, which shall be substituted at any election subsequent to that hereinbefore mentioned.

A copy of every tariff, and of any amendment to any tariff made under this section, shall be submitted to the legislative assembly, at the then next session of the legislature.

304. Such fees, disbursements and allowances shall be paid to the returning officer, out of the consolidated fund of the province, and shall be, by him apportioned among the different officers and persons entitled thereto. Payment of fees, &c.

The returning officer shall report respecting such distribution, through the provincial secretary. Report.

305. Nevertheless, no returning officer, election clerk, deputy returning officer, or poll clerk shall be entitled to the costs or expenses incurred by him on going to the person, before whom he must take any oath required of him. No fees for going to take this oath.

FINAL PROVISIONS.

306. The following acts, in so far as they concern the province of Quebec, or the matters submitted to the exclusive control of the legislature of this province, are hereby repealed. Repeal.

Chapter six of the consolidated statutes of Canada; C. S. C., c. 6.

The act of the late Province of Canada, twenty-third Victoria, chapter seventeen; 23 Vict., c. 17.

The act of the late province of Canada, twenty-fourth Victoria, chapter twenty-five; 24 Vict., c. 25.

The act of the late province of Canada, twenty-seventh Victoria, chapter eight; 27 Vict., c. 8.

The act of the late province of Canada, twenty-ninth and thirtieth Victoria, chapter thirteen; 29-30 Vict., c. 13.

And all other acts and parts of acts or legal enactments inconsistent with this act. Inconsistent acts.

307. A copy of this act, and of the directions approved by the lieutenant-governor in council, which may be necessary for the due conduct of elections under this act, with a detailed alphabetical index placed in the beginning thereof, for the returning officer, and one for each of his deputy returning officers, shall be transmitted, together with the writ of election, to each returning officer in the province. Distribution of this act and directions.

308. The clerk of the crown in chancery may, for the first election, cause to be made, for each electoral district, as many ballot boxes, as shall be required, or may give such directions to the returning officers, as he shall deem necessary, to procure ballot boxes of an uniform size and pattern, as also in relation to the mode of making compartments in the poll. Ballot boxes for first election. Directions.

Such directions shall have been previously approved by the lieutenant-governor in council.

Entry into
force of this
act.

309. This act shall come into force upon the day on which it is sanctioned.

SCHEDULE.

A

FORM MENTIONED IN THE 22ND SECTION.

<div> <div> <div>PROVINCE OF QUEBEC,</div> <div>Municipality of (the parish of St. James, in the County of Levis.)</div> </div> <div> <div>List of Parliamentary Electors.</div> </div> </div>			
VOTING SUB-DIVISION Number One.			
SURNAMES.	NAMES.	OCCUPATIONS.	<div> <div>PROPRIETORS, TENANTS OR OCCUPANTS.</div> <div>DESCRIPTION OF IMMOVABLE.</div> </div>
Aubin	Jean Baptiste	Farmer.....	Proprietor..... <i>Dea Pius Concession.</i>
Bedard	Joseph.....	Merchant.....	Tenant..... Township of Ely, 3rd range, No. 19.
Charette	Jacques	Gentleman.....	Occupant..... Côte St. Michel.
VOTING SUB-DIVISION Number Two.			
Araud	Paul.....	Notary.....	Proprietor..... St. Amable Street, No. 4.
Beland	Jérémie	Advocate.....	Tenant..... St. Peter Street, No. 10.
Carreau, senior	Homère.....	Shoemaker.....	Occupant..... " No. 11.
Carreau, junior	Homère.....	Blacksmith.....	Proprietor..... St. Paul Street, No. 5.
<div> <div>Made in duplicate this</div> <div>hundred and</div> </div>			<div> <div>day of the month of</div> <div>eighteen</div> </div>
<div> <div>I, P. P., swear that to the best of my knowledge and belief, the foregoing list of electors is correct, and that nothing has been inserted therein or omitted therefrom, unduly or by fraud: So help me God.</div> </div>			
<div> <div>Sworn this day of</div> <div>18</div> <div>, before the</div> </div>			<div> <div>P. P.,</div> <div>Secretary-Treasurer.</div> </div>
<div> <div>undesignated F. F., Justice of the Peace.</div> </div>			

If the Cadastre in the Municipality has been completed, the description of the immovable by the number given in the Cadastral plan and book of reference will be sufficient.

The list of electors shall be made in duplicate, that is to say: the Secretary having correctly prepared and made a clean copy of the list of electors, shall make another exactly similar to the first.

The Secretary-Treasurer shall take two distinct oaths, one oath on one duplicate and the other oath on the other duplicate. The two oaths shall be taken on the same day.

The Secretary-Treasurer shall, on the same day, give the notice required by section 21 in the manner ordinarily in use for municipal matters, and at the expiration of the 30 days next after such notice, he shall place at the end of the list on each duplicate, the certificate given in the following form.

B

FORM MENTIONED IN SECTION 37.

I, the undersigned, P. P., Secretary-Treasurer, certify, on my oath of office :

1. That I have given the notice required by section 21 of *The Quebec Electoral Act* ;

2. That, from the date of such notice, one of the duplicates of the above list remained in my office at the disposal of all persons interested ;

3. That this list has been examined (and corrected *if it has been corrected*) by the Council of this Municipality, within the thirty days next after the said day (*date of the publication of notice required by section 21,*) that is to say : at the sittings of the Council held on the (*days when sittings were held,*) and that the corrections (*if there were any made*) were initiated by B. B., Mayor (or C. O., Councillor, presiding in the absence of the Mayor, as the case may be) ;

(*or if the list has not been examined,*

That this list has not been examined by the Council of this Municipality within the thirty days after the said day *date of the publication of the notice required by section 21 ;*)

4. That the above list of electors thus came into force on the day of the month of eighteen hundred and , being the thirtieth day after the (*date of the publication of notice required by section 21.*)

Made on both duplicates of the list this day of
the month of 18 .

P. P.,
Secretary-Treasurer.

C.

FORM MENTIONED IN SECTION 76.

Writ of Election.

CANADA.

Province of Quebec.

VICTORIA, by the grace of GOD, of the United Kingdom
of Great Britain and Ireland, Queen, Defender of the
Faith.—

To the sheriff (registrar or other returning officer as the
case may be,) of the district (as the case may be) of

GREETING:

WHEREAS by the advice of Our Executive Council for
Our Province of Quebec, We have ordered a Parlia-
ment to be holden at Quebec, on the
day of next, (omit this
preamble in the case of a Special Election) ;

We command you that, notice of the time and place of
election being duly given, you do cause election to be made
according to law, of a member to serve in the Legislative
Assembly of Our said Province of Quebec, for the electoral
district of (in case of a special
election, insert here : in the place of deceased,
or otherwise stating the cause of vacancy) ; and (except in the
electoral districts mentioned in section 68,) that you do cause
the nomination of candidates at such election to be held on
the day of next ;
and do cause the name of such member, when so elected,
whether he be present or absent, to be certified to our clerk
of the crown in chancery, on or before the
day of next.

In testimony whereof, we have caused these Our Letters
to be made Patent and the Great Seal of Our said Province
of Quebec to be hereunto affixed.

Witness, Our Trusty and Well Beloved, &c., Lieutenant-Governor (or Administrator of the Government,) of Our Province of Quebec, at Our said City of Quebec, the day of _____ in the _____ year of Our Reign, and in the year of Our Lord 18...

(By Order),

Clerk of the Crown in Chancery, Quebec.

Indorsement.

Received the within writ on the _____ day of _____ 18...

(Signed,)

A. B.,
Sheriff (or as the case may be,) *Returning Officer.*

—
D

FORM MENTIONED IN SECTION 83.

Oath of the Returning Officer.

I, the undersigned, A. B., returning officer for the electoral district of _____, solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases) solemnly affirm, that I am qualified according to law, to act as returning officer for the electoral district, of _____, and that I will act faithfully in that capacity, without partiality, fear, favor or affection: So help me God.

(Signature,)

A. B.,
Returning Officer.

—
DD

FORM MENTIONED IN SECTION 83.

Certificate of the Returning Officer having taken the Oath of Office.

I, the undersigned, hereby certify that on the day of the month of _____, 18____, A. B., the returning officer for the electoral district of _____,

took and subscribed before me the oath (or affirmation) of office in such case required of a returning officer by section 88 of *The Quebec Election Act*.

In testimony whereof, I have delivered to him, this certificate under my hand.

(Signature,)

C. D.,
Justice of the Peace.

E

FORM MENTIONED IN SECTION 85.

Commission of an Election Clerk.

To E. F., (*set forth his legal addition and residence.*)

Know you, that in my capacity of returning officer for the electoral district of _____, I have appointed and do hereby appoint you to be my election clerk, to act in that capacity according to law, at the approaching election for the electoral district of _____, which election will be opened by me on the _____ day of the month of _____ 18 _____.

Given under my hand, at _____, this _____ day of the month of _____, in the year _____.

(Signature,)

A. B.,
Returning Officer.

F

FORM MENTIONED IN SECTION 86.

Oath of the Election Clerk.

I, the undersigned, E. F., appointed election clerk for the electoral district of _____, solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm,) that I will act faithfully in my said capacity

as election clerk, and also in that of returning officer if required to act as such, according to law, without partiality, fear, favor or affection : So help me God.

(Signature,)

E. F.,

Election Clerk.

FF

FORM MENTIONED IN SECTION 86.

Certificate of the Election Clerk having taken the Oath of Office.

I, the undersigned, hereby certify that on the day of the month of , 18 , E. F., election clerk for the electoral district of , took and subscribed before me the oath (or affirmation) of office required in such case of an election clerk, by section 86 of *The Quebec Election Act*.

In testimony whereof, I have delivered to him this certificate, under my hand.

(Signature,)

C. D.,

Justice of the Peace.

or,

A. B.,

Returning Officer

G

FORM MENTIONED IN SECTION 96.

Proclamation of the returning officer declaring the time and place fixed for the nomination of candidates, and also the day for opening the poll, and the polls and voting sub-divisions.

PROCLAMATION.

Electoral district of

to wit :

Public notice is hereby given to the electors of the electoral district of that, in obedience

to Her Majesty's writ, to me directed, and bearing date the day of the month of 18 .
 I require the presence of the electors of this electoral district, at (*describe the place where the nomination is to take place*) in the county (or township, or in the city or town of, or other locality, as the case may be,) of on the day of the month of in the year 18 , from noon until one of the clock in the afternoon, for the purpose of nominating a person to represent them in the Legislative Assembly of the Province of Quebec; and that in case a poll become necessary and be held in the manner by law prescribed, such poll will be opened on the day of the month of in the year of from the hour of nine in the morning till five of the clock in the afternoon, in each of the voting sub-divisions, that is to say :

For the voting sub-division No. 1 (*or other designation*) consisting of (*or bounded as follows, or otherwise describing it clearly*) at (*describing the poll.*)

(*And so continuing for all the other voting sub-divisions and polls in the electoral district.*)

Of which present proclamation all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand, at this day of the month of in the year 18

(Signature,)

A. B.,

Returning Officer.

H

FORM MENTIONED IN SECTION 104.

Nomination Paper.

We, the undersigned electors of the electoral district of , hereby nominate (*names, residence and occupation of the person nominated,*) as a candidate at the election now about to be held of a member to represent the said electoral district, in the Legislative Assembly of the province of Quebec.

This form may be varied according to circumstances, the intention of the act being complied with.

J

FORM MENTIONED IN SECTION 117.

Return to be made when there is only one candidate.

I hereby certify that the member elected for the electoral district of _____ in pursuance of the annexed writ is _____, of _____ in _____ (as the nomination paper), no other candidate having been nominated, (or the other or other candidates having withdrawn, as the case may be).

(Signed,)

A. B.,
Returning Officer.

K

FORM MENTIONED IN SECTION 137.

Notice of polls being granted, and of candidates nominated.

NOTICE.

Electoral district of _____

to wit :

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll is necessary for the election now pending for the said electoral district, and that such poll shall be in consequence opened ; and further that the persons duly nominated as candidates at such election, and for whom alone votes shall be received, are :

1. JEAN DUREAU, of the town of Sorel, county of Richelieu, merchant ;

2. JOSEPH MEUNIER, of the city of Montreal, 10 Fontaine street, physician.

3. ANTOINE RICHARD, of the parish of St. Henry, county of Levis, farmer.

4. JOSEPH RICHARD, of the town and county of Levis advocate.

(As in the nomination papers.)

Of which all persons interested are hereby required to take notice and govern themselves accordingly.

Given under my hand, at
18

this day of

(Signature,)

A. B.,
Returning Officer.

L

FORM MENTIONED IN SECTION 141.

Commission of a Deputy Returning Officer.

To G. H. *(insert his legal addition and residence.)*

Know you, that in my capacity of returning officer for the electoral district of _____, I have appointed, and do hereby appoint you to be deputy returning officer for the voting sub-division of *(description of this voting sub-division)* in the electoral district of _____, there to take and record the votes of the electors by ballot, according to law, at the poll to be by you opened and held for that purpose, and you are hereby authorized and obliged to open and hold the poll for such election for the said voting sub-division on the _____ day of the month of _____

instant *(or next)*, at nine of the clock in the forenoon ; at *(detailed description of the place where the poll must be held)*, and there hold this poll during the hours required by law, and there take by ballot in the manner by law provided, the votes of the electors voting at the said poll, and after counting the votes given, and performing the other duties required of you by law, to return to me forthwith the ballot box, sealed with your seal, and enclosing the ballots, list of electors, and other documents required by law, together with this commission.

Given under my hand, at _____ this
day of the month of _____
in the year 18'

(Signature,)

A. B.,
Returning Officer.

M

FORM MENTIONED IN SECTION 143.

Oath of Deputy Returning Officer.

I, the undersigned, G. H., appointed deputy returning officer for the voting sub-division of (*description of the voting sub-division*) in the electoral district of _____ solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm,*) that I will act faithfully, in my said capacity of deputy returning officer, without partiality, fear, favor, or affection : So help me God.

(Signature,)

G. H.,
Deputy Returning Officer.

N

FORM MENTIONED IN SECTION 143. .

Certificate of a Deputy Returning Officer having taken the Oath of Office.

I, the undersigned, hereby certify that on the _____ day of the month of _____ 18____, G. H., deputy returning officer for the voting sub-division of (*description of the voting sub-division,*) in the electoral district of _____, took and subscribed before me the oath (*or affirmation*) of office required in such case of a deputy returning officer, by section 143 of the *Quebec Election Act*.

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature,)

O. D.,
Justice of the Peace.

or,

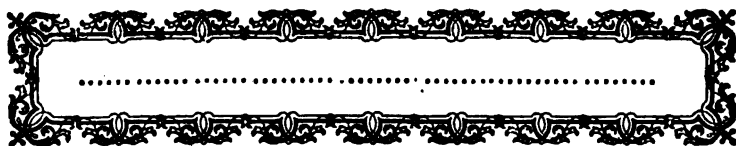
A. B.,
Returning Officer.

O

FORM MENTIONED IN SECTION 149.

Ballot Paper.

18 Election for the Electoral District of	1	DUREAU. [Jean Dureau, town of Sorel, county of Richelieu, mer- chant.]	
	2	MEUNIER. [Joseph Meunier, city of Montreal, 10, Fontaine street, Montreal.]	
	3	RICHARD. [Antoine Richard, of the parish of St. Henri, county of Lé- vis, farmer.]	X
	4	RICHARD. [Joseph Richard, of the town and county of Lévis, advocate.]	



ANNEX

The ballot paper shall be perforated by a line of points, along the line of black points.

The names of the candidates shall be entered in the ballot paper, as in the nomination paper.

There shall be no margin on the left of the ballot paper.

The elector is supposed to have marked his ballot paper in favor of Antoine Richard.

DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING.

The elector is to vote only for one candidate.

The voter will go into one of the compartments, and, with a pencil there provided, place a cross opposite the name of the candidate for whom he votes.

The voter will then fold the ballot, so as to show a portion of the back only, and also in such manner as to permit the annex to be detached without unfolding the ballot paper; he will then deliver the ballot paper so folded to the deputy returning officer, who will place it in the ballot box, after having detached the annex. The voter will then forthwith quit the poll.

If a voter inadvertently spoils a ballot paper, he may return it to the proper officer, who, on being satisfied of the fact, will give him another.

If the elector votes for more than one candidate, or places any mark on the ballot paper, by which he can afterwards be identified, his vote shall be void, and will not be counted.

If the voter takes a ballot paper out of the poll or fraudulently puts into the ballot box, any other paper than the ballot paper given him by the deputy returning officer, he will be subject to be punished by fine of five hundred dollars, or imprisonment for six months.

P

FORM MENTIONED IN SECTION 151.

*Commission of a Poll Clerk.*To I. J. (*insert his legal addition and residence.*)

Know you, that in my capacity of deputy returning officer for the voting sub-division of (*description of the voting sub-division*) in the electoral district of _____, I have appointed and do hereby appoint you to be poll clerk for the said voting sub-division of (*description of the voting sub-division*) in the electoral district of _____

Given under my hand, at _____, this _____ day of the month of _____ in the year _____

(Signature,)

G. H.,
Deputy Returning Officer.

Q

FORM MENTIONED IN SECTION 153.

Oath of a Poll Clerk.

I, the undersigned, I. J., appointed poll clerk for the voting sub-division of (*description of voting sub-division*) in the electoral district of _____, do solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm,*) that I will act in my said capacity of poll clerk, and also in that of deputy returning officer, if required to act as such, according to law, faithfully, without partiality, fear, favour or affection: So help me God.

(Signature,)

I. J.,
Poll Clerk.

R

FORM MENTIONED IN SECTION 153.

Certificate of the Poll Clerk having taken the Oath.

I, the undersigned, hereby certify, that on the
 day of the month of 18 I. J. poll clerk for the
 voting sub-division of (description of voting
 sub-division) in the electoral district of
 took and subscribed before me the oath (or affirmation) of
 office required of a poll clerk, in such case, by section 153
 of the *Quebec Election Act*.

In testimony whereof I have delivered to him this certi-
 ficate under my hand.

(Signature,)

C. D.,
 Justice of the Peace.

or, A. B.,
 Returning Officer.

or, G. H.,
 Deputy Returning Officer.

S

FORM MENTIONED IN SECTION 156.

*Commission of a Poll Clerk by Poll Clerk acting as Deputy
 Returning Officer.*

To of (insert his residence and occupation.)

Know you, that in my capacity of acting deputy return-
 ing officer for the voting sub-division of in the
 electoral district of , in consequence
 of the decease (or incapacity to act as the case may be) of the
 deputy returning officer for the said voting sub-division,

whose poll clerk I was, I have appointed, and do hereby appoint you to be poll clerk for the voting sub-division of _____, in the electoral district of _____

Given under my hand, at _____ this _____ day of _____
in the year 18 _____

(Signature,)

I. J.,

Poll Clerk, acting as Deputy Returning Officer.

The oath and certificate of its having been taken will be the same as in the case of a Poll Clerk appointed by the Deputy Returning Officer.

T

Oath of Agent of a Candidate, or of Elector respecting a Candidate, under Section 161.

I, the undersigned, G. H., Agent for (or Elector representing) J. K., one of the candidates at the election now pending for the electoral district of _____, solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm,) that I will keep secret the names of the candidates for whom any of the voters at the poll in the voting sub-division of _____ in the electoral district of _____ may have marked his ballot paper in my presence, at this election : So help me God.

(Signature,)

G. H.

Sworn (or affirmed) before me, at _____ this _____ day of _____
18 _____

A. B.,

Returning Officer,

or, C. P., Justice of the Peace.

W

FORM MENTIONED IN SECTION 196.

Oath of messenger sent to collect the ballot boxes.

I, J. B., of _____, messenger, appointed by A. B., returning officer for the electoral district of _____, in the province of Quebec, do solemnly swear that the several boxes, to the number _____ now delivered by me to such returning officer, have been handed to me by the several deputy returning officers at the present election for this electoral district (*or by, here insert the names of the deputy returning officers who have delivered said boxes*); that they have not been opened by me, nor by any other person and that they are in the same state as they were when they came into my possession. (*Should any change have taken place, the deponent shall vary his deposition by fully stating the circumstances.*)

(Signature,) J. B.

Sworn (*or affirmed*) and subscribed before me, at this _____ day of _____, in the year 18 ____.

(Signature,)

X. Y.,
Justice of the Peace.

or, A. B.,
Returning Officer.

or, G. H.,
Deputy Returning Officer.

X

FORM MENTIONED IN SECTION 197.

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, deputy returning officer, for the voting sub-division of _____, in the electoral district of _____ do solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm,*) that to the best of my knowledge and belief, the poll book kept for such voting sub-division, under my direction,

hath been so kept correctly; and that the total number of votes polled in the book is

; and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the poll in this voting sub-division, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, packets of ballot papers, and other documents required by law to be returned by me to the returning officer, have been faithfully and truly prepared and placed within the ballot box, as this oath (or affirmation) will be, to the end that the said ballot box, being first carefully sealed with my seal, may be transmitted to the returning officer according to law.

(Signature,) G. H.,
Deputy Returning Officer.

Sworn before me, at _____, this _____ day of _____, 18____

(Signature,) X. Y.,
Justice of the Peace.

or, **A. B.,**
Returning Officer.

or, I. J.,
Poll Clerk.

XX

FORM MENTIONED IN SECTION 197.

Oath of the Poll Clerk after the closing of the Poll.

I, undersigned, poll clerk for the voting sub-division of _____ in the electoral district of _____ do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm,) that the poll book in and for this voting sub-division, kept under the direction of G. H., who has acted as deputy returning officer therein, has been so kept by me, under his direction as aforesaid, correctly and to the best of my skill and judgment; and that the total number of votes polled in this book is _____; and that to the best of my knowledge and belief, it contains a true and exact record of the

votes giving at the poll in this voting sub-division, as the votes were taken at this poll by the deputy returning officer.

(Signature,) I. J.,
Poll Clerk.

Sworn (or affirmed) and signed before me, at
this day of the month of in the year 18 .

(Signature,) X. Y.,
Justice of the Peace.

or, A. B.,
Returning Officer.

or, G. H.,
Deputy Returning Officer.

Y.

FORM MENTIONED IN SECTION 207.

Certificate of Election.

I hereby certify that the member elected for the electoral district of , in pursuance of the writ, as having received the majority of votes lawfully given, is A. B., etc., (*names, etc., as in the nomination papers.*)

(Signed,) A. B.,
Returning Officer.

Z.

FORM MENTIONED IN SECTION 294.

CANADA,
PROVINCE OF QUEBEC,
District of

}

COURT

Plaintiff;

vs.

Defendant.

I, M. N., Plaintiff in this cause, being duly sworn upon the Holy Bible, declare that in the present cause, I am not acting in collusion with the defendant, and that I do

not prosecute for the purpose of preventing such action, or prosecution being instituted by any other person, nor for the purpose of delaying or causing such action to miscarry, nor for the purpose of saving such defendant from the payment of the whole or any part of such penalty, nor of procuring to him any advantage,—but that I institute such prosecution or action in good faith, and for the purpose of recovering, exacting and enforcing the payment of such penalty with all practicable celerity.

(Signature,) M. N.

Sworn before me, at
this day of the }
month of 18 . }

P. S.,
Justice of the Peace.

CAP. VIII.

An Act to make better provisions for the trial of Controverted Elections of Members of the Legislative Assembly of the Province of Quebec.

TABLE OF CONTENTS OF THE ACT.

I. Interpretation.....	1
II. Jurisdiction.....	9
III. Presentation of the election petition.....	19
IV. Service.....	36
V. Preliminary objections.....	40
VI. Contestation on the merits.....	42
VII. Trial	44
VIII. Special examination of the parties and of other persons.....	57
IX. Demand for the production of documents.....	75
X. Inscription and judgment.....	82
XI. Withdrawal, abatement of the petition and discontinuation of proceedings by the respondent.....	95
XII. Duties of the speaker.....	118
XIII. Costs.....	121
XIV. Coming into force of this act.....	129

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

I.—INTERPRETATION.

- Title.** 1. This act shall be known and may be designated and cited as "The Quebec Controverted Elections Act, 1875."
- Repeal.** 2. The act passed by the legislature of this province, in the thirty-sixth year of Her Majesty's reign, chapter five, intituled,—"An act to provide for the decision of controverted elections by the judges, and to make better provision for the prevention of corrupt practices at elections" is repealed; and all the acts and enactments repealed by such act shall remain repealed, notwithstanding its repeal.
- Application.** 3. All elections which take place after the passing of this act shall be subject to the provisions thereof, and their validity shall only be contested in conformity with the provisions thereof.
- Interpretation.** 4. In interpreting this act, unless it be otherwise provided, or unless there be something in the context of the provisions thereof indicating a different meaning, or requiring another construction :
- Judge.** 1. The word "judge" means any one of the judges of the superior court of the province, or such superior court held by any one judge thereof ;
- Member.** 2. The word "member" means any person elected to serve as one of the members of the legislative assembly of the province ;
- Election.** 3. The word "election" means the election of a member to serve in the legislative assembly of the province ;
- Electoral district.** 4. The expression "electoral district" means any county or other place, or portion of this province, entitled to return a member to the legislative assembly ;
- Candidate.** 5. The word "candidate" means the person elected as member at any election, and any person nominated as a candidate at such election ;
- Corrupt practice.** 6. The term "corrupt practice" means any act declared such by section 248 of *The Quebec election Act*, or by any other act of the legislature of this province ;
- Rule.** 7. The expression "rule" means all rules to be made as prescribed by section 15 ;
- Prescribed.** 8. The word "prescribed" means prescribed by this act, or ordained by some rule made under this act ;
- Prothonotary.** 9. The word "prothonotary" includes the "deputy prothonotary."

5. For the purposes of this act, the expression "the ^{Speaker} speaker" means the speaker of the legislative assembly.

When the office of speaker is vacant, or when the speaker is absent from the province, or is unable to act, the clerk of the legislative assembly, or any other officer, for the time being discharging the duties of the clerk of the legislative assembly, shall be deemed to be substituted for, and included in, the expression "the speaker."

6. An "election petition" is a petition complaining of an ^{Election petition.} undue return, or undue election of a member, or of no return, or of a double return, or of any unlawful act by any candidate not returned, by which he is alleged to have become disqualified to sit in the legislative assembly, or of the conduct of any returning officer or deputy returning officer.

7. If the delay established by this act for the institution ^{Delay.} of any proceeding, or the accomplishment of any matter, expires or falls upon a holiday, such delay shall be extended to the next following day, not a holiday, and such matter may be performed on such following day.

8. The words "court or judge" shall be substituted for ^{32 V., c. 3, s. 15 amended.} the words "election committee" wherever they occur in section 15 of the act of the legislature of this province, 32 Victoria, chapter 3, intituled: "An act for securing the independence of the legislature of this province."

II.—JURISDICTION.

9. The superior court of this province shall have ^{Superior Court.} jurisdiction over election petitions and over all proceedings to be had in relation thereto, subject nevertheless to the provisions of this act.

10. The cause of action shall be deemed to have arisen ^{Place of presentation, trial and hearing.} at the place where the election was held. The election petition shall be presented and tried, in the judicial district in which such place lies; but the final hearing shall take place before the superior court sitting in review, in conformity with section 82 and the following sections of this act.

11. In all proceedings had under the authority of this ^{Powers of Judge.} act, the judge in term or in vacation shall have the same powers, jurisdiction and authority as the superior court sitting in term, subject always to the provisions of this act.

Precedence. **12.** Proceedings had under this act, shall have precedence over all other causes or proceedings.

Officers of court. **13.** The various officers of the superior court shall, with reference to all election petitions, have the same powers and be subject to the same obligations, as if such petition were an ordinary case, within the jurisdiction of the superior court.

Non-resident judge. **14.** Whenever any petition is presented, in a district in which there is no resident judge, the judge to whom the district is assigned, shall, on notice from the prothonotary, acquainting him with the day on which he should attend, be present in the court house in such district, as often as his presence is required for any proceeding on an election petition or relating thereto.

Rules. **15.** The judges of the superior court, or a majority of them, may, from time to time, make, revoke, or alter general rules or orders, for the effectual execution of this act, and of the intention and object thereof, for the regulation of the practice and procedure, with respect to election petitions and the trial thereof, and for the certifying and reporting thereon.

Effect of rules. **16.** Any rule made in virtue of the preceding section, and not inconsistent with this act, shall be deemed to be within the powers conferred by the provisions of this act, and shall, until revoked, have the same force as the provisions thereof.

Submission to legislative assembly. **17.** A copy of all rules, and of all modifications made therein under section 15 of this act, shall be laid before the legislative assembly, within three weeks after they are made, if the legislature be then sitting, and if the legislature be not then sitting, within three weeks after the then next session of the legislature.

Rules, &c., governing election petition of commons. **18.** Until rules have been made in pursuance of this act, and in all cases unprovided for by such rules when made, the principles, practice and rules, on which election petitions touching the election of members of the house of commons of Canada are, at the time of the passing of this act, dealt with, shall be observed, so far as consistently with this act they may be so observed.

III.—PRESENTATION OF THE ELECTION PETITION.

Petitioner. **19.** An election petition may be presented :

1. By one or more electors, who were qualified to vote at the election to which the petition relates or whose names were entered on the lists of electors which availed at such election ; or

2. By one or more candidates at such election.

20. The petition may be in any prescribed form ; but if, ^{Form.} or in so far as, no form is prescribed, it need not be in any particular form.

21. The petition must however, in all cases, complain of ^{Allegations re-} the undue election or return of a member, or that no return ^{quired.} has been made, or that a double return has been made, or of matters contained in any special return made, or of some unlawful act by a candidate not returned, by reason whereof, he may become ineligible, or of the unlawful conduct of any returning officer or deputy returning officer.

22. The petition shall be signed by the petitioner, or, if ^{Signature.} there are more than one, by all the petitioners.

23. The petition must be presented within thirty days ^{Delay.} after the day of publication in the *Quebec Official Gazette*, of the notice of election by the clerk of the crown in chancery, under section 213 of *The Quebec Election Act*, and not later.

24. Nevertheless, if the petition questions the validity ^{Delay.} of a return or election, upon a specific allegation of corrupt practice committed since the time of the return of election, such petition may be presented within thirty days after the date of the commission of the corrupt practice alleged, provided that such corrupt practice falls within the scope of the sections 267 and 268 of *The Quebec Election Act*.

25. Presentation of a petition shall be made by delivering it at the office of the prothonotary, during office ^{Mode of presentation.} hours.

26. At the time of the presentation of the petition, the ^{Security.} petitioner shall give security for the payment of all costs, charges and expenses, that may become payable by him :

1. To any person assigned as a witness on his behalf ;

2. To the member whose election or return is called in question ;

3. To the returning officer, or deputy returning officer if their conduct is complained of ;

4. To the candidate not elected, whose conduct is complained of.

Deposit.

27. The security shall be one thousand dollars, and shall be given by a deposit of such sum with the prothonotary, who shall transmit the same to the office of the provincial treasurer, in the manner prescribed for judicial deposits.

The deposit shall be valid if made in gold coin or in notes of any incorporated bank, or in Dominion bonds or debentures.

The prothonotary shall give a receipt for such deposit, which shall be evidence of the sufficiency thereof.

Case of several petitioners.

28. Several persons may be made respondents to the same petition, and their cases may, for the sake of convenience, be tried at the same time.

But as regards the security required by sections 26 and 27, and for all other purposes of this act, such petition shall be deemed to be a separate petition against each respondent.

Petitions against officers.

29. Wherever an election petition complains of the conduct of any returning officer or deputy returning officer, such officers shall, for all the purposes of this act, except the admission of respondents in their place, under section 112, be deemed to be respondents.

Resignation of seat.

30. An election petition may be presented, or the trial thereof be proceeded with, notwithstanding the acceptance by the respondent of an office of profit under the crown, or the resignation of his seat.

Continuation.

31. The trial of an election petition may be proceeded with, notwithstanding the prorogation of the legislature or the dissolution of the legislative assembly.

Idem.

32. If one or more petitioners refuse or neglect to continue the contestation, the other petitioners may nevertheless continue the proceedings.

Plumitif.

33. The prothonotary shall keep a special register or *plumitif* of all petitions presented under this act, and shall further draw up a list thereof in the order in which they were presented.

List.

Such list shall be styled "*The Quebec contested elections list.*"

Access to the list.

34. The prothonotary shall keep, at his office, a copy of such list, open to the inspection of any person making application.

35. If more than one petition is presented, relating to ^{Case of several petitions.} the same election and return, all such petitions shall be bracketed together on the list, and shall be dealt with, as far as may be, as one petition.

IV.—SERVICE.

36. The petitioner shall cause each respondent to be ^{Service.} served with a copy of the petition, a notice of the presentation thereof and of the security, and a copy of the deposit receipt required, within five days after the day on which the petition shall have been presented, or within the time prescribed.

37. Such service may be made within such longer ^{Delay.} time, as the judge shall be entitled to grant, regard being had to the difficulty of effecting service, or to special circumstances.

38. If the respondent or respondents, cannot be served ^{Delay extended.} personally, or at their domicile, within the time granted by the judge, the service may be effected upon such other person, or in such other manner as the judge, on the application of the petitioner, may appoint.

39. The services required by the three preceding sections shall be made, as nearly as may be, in the manner in ^{Manner of service.} which a writ of summons is served in civil matters.

V.—PRELIMINARY OBJECTIONS.

40. Within five days after the service of the petition ^{as Delay.} hereinbefore prescribed, the respondent may produce in writing any preliminary objections or grounds of insufficiency, which he may have to urge against the petitioner, or against the petition, or against any further proceeding thereon.

He shall, in such case, at the same time, file a copy of ^{Copy.} such objections or grounds, for the petitioner.

41. The judge shall then hear the parties and their ^{Hearing and decision.} witnesses upon such objections and grounds, and shall decide the same in a summary manner.

Such judgment, if in favor of the petitioner, shall not be susceptible of being reversed, until the hearing on the merits before the superior court sitting in review; if, however, it has the effect of dismissing the petition, the case may be submitted to such court, upon inscription filed within the eight days following, and by observing the formalities prescribed in the case of inscription upon the merits,

VI.—CONTESTATION ON THE MERITS.

Delay. 42. Within five days after the decision upon the preliminary objections, if the same are not allowed, or on the expiration of the time for presenting the same, if none be presented, the respondent may file a written answer to the petition, together with a copy for the petitioner.

Issue joined. 43. Whether such answer be or be not filed, the petition shall be held to be at issue, after the expiration of the delays mentioned in the preceding section; the judge may at any time thereafter, upon the application of either party, fix some convenient time and place, for the trial of the petition.

VII.—TRIAL.

Order of trial. 44. Petitions inscribed on the list of contested elections, as far as conveniently may be, shall be tried in the order in which they stand on such list.

Judge. 45. Every election petition shall be tried, before a judge.

The judge may, at such trial, decide any question raised as to the admissibility of the evidence offered, or admit such evidence under reserve.

Place of trial. 46. The trial of an election petition shall take place in the electoral district, the election or return for which is in question.

But the judge may, if for special circumstances it appears to him desirable that the trial should be held elsewhere than in such electoral district, appoint such other place for the trial, as may to him appear most convenient.

Special clerk. 47. The judge may appoint a clerk for the trial of an election petition at a distance from the *chef lieu*.

Such clerk, on being sworn by the judge, shall have the same powers and obligations, as the prothonotary would have had if personally acting.

The fees of such clerk shall be payable in money.

Adjournment. 48. The judge may, during the trial, adjourn the proceeding from time to time, and from any one place to another, as to him may seem most convenient.

Witnesses. 49. Witnesses shall be subpoenaed and sworn, as nearly as circumstances will admit, in the same manner as in ordinary cases, within the jurisdiction of the superior court.

50. On the trial of an election petition, the judge may ^{Summon by order of judge.} also, by an order under his hand, compel the attendance of any person as a witness, whom he believes able to give any information respecting the election, to which the petition refers.

51. The judge may employ a short-hand writer to take ^{Short-hand writer.} down the depositions of the witnesses at the trial of the petition; and the costs incurred thereby, shall be deemed to be costs in the cause.

Such short-hand writer shall be sworn by the judge; and the transcribed notes given by him of the various depositions, shall be drawn up and certified correct by him, under the oath he has so taken.

52. No person shall be excused from answering, any ^{Obligation to answer.} question put to him under this act, touching any election or the conduct of any person thereat or in relation thereto, on the ground that the reply to such question would render him liable to legal proceedings under *The Quebec Election Act*.

But no answer given by such person shall be used against ^{Protection.} him in such proceeding, if the judge has given him a certificate that he claimed the right to be excused from answering on the grounds aforesaid, and made full and true answers to the satisfaction of the judge.

53. The reasonable expenses incurred by any person, in ^{Witnesses expenses.} appearing to give evidence at the trial of an election petition, shall be allowed him by a certificate signed by the judge or prothonotary, according to the scale of fees and expenses allowed witnesses in the superior court.

54. Unless the judge otherwise directs, any charge of ^{Proof of corrupt practice.} corrupt practices may be gone into and evidence in relation thereto received, before any proof has been given of participation on the part of any candidate, or his agents, in respect of such corrupt practices.

55. On the trial of a petition, the respondent may give ^{Proof against another candidate.} evidence to show that any other candidate has been guilty of corrupt practice in the same manner and with the same effect as if he had himself presented a petition complaining of such election or of the conduct of such candidate.

But before entering into such proof, the respondent shall ^{Notice.} give notice thereof to such candidate, if he be not already in the cause, who may cross-examine the witnesses against him and produce others on his own behalf.

56. The rules of evidence shall be those of the law of ^{Rules for proof.} England.

It shall not be necessary to produce the writ of election, or the proclamation or commission of the returning officer, but parol evidence of such facts shall constitute sufficient proof that the election have been held.

The archives, registers, journals and documents of the various departments of the Legislature, and all those public in their nature, the keeping of which is required by law, as also official copies and extracts of such papers or documents shall be *prima-facie* proof of the contents thereof.

VIII.—SPECIAL EXAMINATION OF THE PARTIES AND OTHER PERSONS.

Examination
of parties.

57. Any party to an election petition, whether petitioner or respondent, may at any time after such petition is at issue, before or pending the trial, be examined in the manner hereinafter prescribed, by a party adverse in interest touching any matter or question raised by such petition. The party thus examined may be then further examined on his own behalf, touching any matter upon which he had been interrogated in the first instance.

Examination
of parties com-
mon in in-
terest.

58. When one of several petitioners or respondents has been examined, any other petitioner or respondent united in interest with him, may be interrogated in his own behalf or on behalf of those united with him in interest, to the same extent as the party examined in the first instance.

Such explanatory examination shall be proceeded with immediately after the interrogatories specified in section 57, and not at any future period, except by leave of a judge.

Examination
of another
candidate.

59 If, by an election petition, the seat is claimed for a candidate who is not a party to the petition, such candidate may be examined as if he were a petitioner.

Before whom
held.

60. The interrogation or examination made under this act, shall be held by, or before a judge, or an advocate, named by the judge as special examiner in the case of a preliminary examination.

Parties sum-
moned.

61. Every examination shall take place, the parties, their counsel, agents or attorneys being either present or summoned.

Re-examina-
tion.

62. The party so examined shall be subject to cross-examination and re-examination.

Mode.

Such examination, cross-examination and re-examination shall be conducted as nearly as may be, in the mode now

in use in causes in the superior court, subject however, to the provisions of this act.

63. Every party or other person may be summoned ^{Witnesses.} to appear for interrogation before the examiner, by writ of *subpœna ad testificandum* or *duces tecum*, in like manner as he might be at the trial of the petition.

64. Every party or other person, on whom a writ of this ^{Obligation to} nature is served, shall be bound to attend before the ^{appear.} examiner, and shall be entitled to be taxed for his ^{Taxation.} appearance and his expenses, as if he had been summoned to appear at the time of the trial.

65. Any sheriff, gaoler, or other officer having the custody of any prisoner, shall, if ordered by any judge, bring ^{Prisoner examined.} such prisoner before the examiner to be examined.

66. Forty-eight hours' notice of any such examination ^{Notice.} or cross-examination shall be given to the parties to the suit, or their attorneys, agents, or counsel.

67. Any party, or other person refusing or neglecting to attend at the time and place appointed for his examination, ^{Contempt of court.} or cross-examination, or refusing to be sworn, or to answer any lawful question put to him by the examiner, or by any party entitled so to do, or his counsel, agent or attorney, may be punished by the judge, as for contempt of court; ^{Proviso:} subject to the application of section 52 of this act.

68. If any witness objects to any question which may be put to him, the question, as well as the objection, shall ^{Objections of witness.} be taken down in writing by the examiner, and transmitted by him to the office of the prothonotary, to be there filed.

The judge shall decide on the validity of such objection, and the costs of such objection shall be in the discretion of the judge.

69. The depositions taken upon such examination, shall be taken down in writing by the examiner, ^{Mode of taking down deposition.} not ordinarily by question and answer, but in the form of a narrative.

When they are completed, they shall be read over to the witness, and signed by him in the presence of the parties, ^{Signature.} or of such of them as may think fit to attend.

If the witness refuses or is unable to sign, mention thereof shall be made at the end of his deposition, and the examiner shall sign the same.

70. The examiner may, on each examination, report ^{Special fact.} any special fact, which he may deem advisable.

Special question or answer.

71. The examiner may, at his discretion, put down in writing any particular question or answer, if there is any special reason for so doing.

Objection by parties.

72. If any questions are objected to by any of the parties, the examiner, shall, without however deciding, note the objection on the deposition.

Depositions transmitted.

73. When the examination before the examiner shall have been concluded, the depositions shall, after having been authenticated by his signature, be transmitted by the examiner to the office of the prothonotary, to be there filed.

Any party to the petition may obtain copies of such depositions, upon payment of the sum prescribed.

Use of depositions.

74. Any party to a petition may declare in writing, in the commencement of the trial of the petition, his intention to use depositions taken by or before the examiner.

IX.—DEMAND FOR THE PRODUCTION OF DOCUMENTS.

Production order.

75. Any party to any election petition, whether petitioner or respondent, may, at any time after such petition is at issue, before or pending the trial thereof, obtain an order of a judge requiring the adverse party to produce, within a delay of ten days after the service of the rule, under oath, at the office of the prothonotary, all documents in his custody or power relating to the matters in question, saving all lawful exceptions.

Nature of order.

76. The rule referred to in the preceding section shall be a rule in the nature of a side bar rule.

Service.

77. It shall not be necessary that this rule be served on the party personally; the service, which shall be made on the counsel, agent or attorney of the party, shall be sufficient.

Oath.

78. The affidavit to be made by the party producing the documents may be in the form annexed to this act, or in other terms equivalent, as required by the facts.

Refusal.

79. Any party neglecting or refusing to obey a rule for the production of documents, may be punished as for contempt of court.

Use of documents.

80. When the documents demanded shall have been filed at the office of the prothonotary, the party requiring such production, or his counsel, agent or attorney, may inspect the same and take certified copies thereof.

81. If the party, who has been demanded for such documents, wishes to avail himself of any lawful exception, he must, when producing the documents, assign sufficient reasons, supported by his affidavit, to prove that he should not be held to produce them.

X.—INSCRIPTION AND JUDGMENT.

82. Any party to an election petition may, forthwith on the conclusion of the trial, file an inscription for hearing before the superior court sitting in review, at the office of the prothonotary of the district, in which the petition has been presented.

This inscription shall be accompanied, if the petition has been presented elsewhere than at Quebec or Montreal, by the payment to the prothonotary of a sum of ten dollars for making up and transmitting the record.

83. Notice of the inscription shall be given to each adverse party.

84. The superior court sitting in review, shall, for the hearing of all causes to be heard under this act, be composed, when the same is practicable, of the judge who has presided at the trial and of two other judges.

85. The hearing of causes instituted in virtue of this act, in the judicial districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Gaspé, Rimouski, Kamouraska, Montmagny, Beauce and Arthabaska, shall be had in the city of Quebec.

That of causes instituted in the judicial districts of Montreal, Ottawa, Terrebonne, Joliette, Richelieu, Saint-Francis, Bedford, Saint-Hyacinth, Iberville and Beauharnois, shall be had in the city of Montreal.

86. If the trial has been held in any district, other than those of Montreal and Quebec, the record, with a copy of all orders rendered in the cause, shall be transmitted by post, registered, to the prothonotary of the superior court at Quebec or Montreal, as the case may be, who shall enter them in a special plumitif or register.

The record and the orders so transmitted shall remain of record, in the office of the prothonotary receiving the same.

87. All the proceedings shall be conducted as in an ordinary case in review.

Additional days.

88. The superior court sitting in review may appoint, for the hearing of election petitions, as many additional days as to it shall seem advisable.

Judgment.

89. The superior court sitting in review shall determine:

1. Whether the member whose election or return is complained of, has been duly elected, or declared elected; or
2. Whether any other person, and who, has been duly elected; or
3. Whether the election was void; and
4. All other matters arising out of the petition or requiring its determination.

No appeal.

90. Such judgment shall not be susceptible of appeal.

Transmission of the judgment.

91. One certified copy of such judgment shall be transmitted without delay to the speaker, and another to the prothonotary of the district, in which the petition was presented.

Report of the court.

92. When any charge is made in an election petition of any corrupt practice having been committed at the election, the court shall further transmit to the speaker, together with its judgment, a report in writing, stating:

1. Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, stating the name of such candidate, and the nature of such corrupt practice;

2. The names of any persons against whom, during the examination of the petition, the commission of any corrupt practice has been proved;

3. Whether corrupt practices have, or whether there is reason to believe, that corrupt practices have extensively prevailed at the election to which the petition relates.

Special report.

93. A special report shall, at the same time, be transmitted to the speaker, as to all questions and matters arising in the course of the trial of the petition, and which, in the judgment of the court, ought to be submitted to the legislative assembly.

Special case.

94. If, upon the application of all the parties to a petition, it appears to the judge that the question raised by the petition can be conveniently stated as a special case, such judge may direct the same to be so stated.

Each such special case shall be inscribed and heard before the superior court sitting in review, which shall thereupon give such judgment as to justice may appertain,

If the decision is final, a certified copy of the judgment on such special case, shall be transmitted to the speaker; but if the decision is not final, the record shall be remitted for further proceedings to be had on the petition.

XI.—WITHDRAWAL, ABATEMENT OF THE PETITION AND DISCONTINUATION OF PROCEEDINGS BY THE RESPONDENT.

95. No election petition shall be discontinued without the leave of the judge or court before whom it is pending, given upon application made for that purpose. ^{Authorisation required.}

96. No such application shall be made until the petitioner has given, in the manner, within the delays, and at the place prescribed by the rules, in the electoral district for which the election or return is in question, notice of his intention to discontinue his petition. ^{Notice.}

This notice shall be also published in the *Quebec Official Gazette*.

97. On the hearing of such application, any person who might have petitioned against the election, may apply to the judge or to the court before whom the case is pending, to be substituted in lieu of the petitioner so desiring to discontinue his petition. ^{Substitution of petitioners.}

98. The judge or the court before whom the case is pending, may, if he or it think fit, substitute as petitioner any such applicant, and may further, if the withdrawal is, in their opinion induced by any corrupt bargain or consideration, order that the security given on behalf of the original petitioner, remain as security for any costs that may be incurred by the subsequent petitioner, and that to the extent of the sum named in such security, the original petitioner shall be liable to pay the costs of the substituted petitioner. ^{Order as to security.}

99. If no such order be made, with respect to the security given on behalf of the original petitioner, security similar to that required at the presentation of a petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner, before he proceeds with his petition, and within the delay prescribed by the judge or court before whom the case is pending. ^{Other security.}

The amount of security may however be reduced, as the circumstances of the case may require.

100. Subject always to the conditions hereinabove set forth, the substituted petitioner, shall, as nearly as may be, ^{Position of the substitute.}

stand in the same position, subject however to the same liabilities, as the original petitioner.

Costs.

101. If the petitioner withdraw his petition, he shall be liable to pay the costs of the respondent, unless the judge or the court before whom the case is pending, otherwise orders.

Consent required.

102. If there are more petitioners than one, the application to withdraw the petition must be made with the consent of all the petitioners.

Report to be made.

103. In every case of the withdrawal of a petition, the judge or the court before whom the case is pending, if of opinion that such withdrawal was the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, shall report such opinion to the speaker, with the circumstances attending the withdrawal of the petition.

Substitution on refusal to proceed.

104. If the petitioner neglects or refuses to proceed, the judge or the court before whom the case is pending, may permit one or more persons to be substituted as petitioners, according to the principles and rules hereinabove set forth.

Death of petitioner.

105. An election petition shall be abated by the death of a sole petitioner, or of the survivor of several petitioners.

Previous costs.

106. The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred.

Notice.

107. On the abatement of any petition under section 105 of this act, notice of such abatement shall be given in the electoral district, for which the election or return has been contested, in the manner, and within the delays, and at the place prescribed by the rules.

Such notice shall be also published in the *Quebec Official Gazette*.

Substitution.

108. Within the prescribed delay, any person who might have petitioned against the election, may apply to the judge or the court before whom the case is then pending, to be substituted as petitioner.

Idem.

109. The judge or the court before whom the case is pending, may, if he or it think fit, substitute such applicant to the original petitioner.

Security.

Such substituted petitioner shall be obliged to furnish security similar to that required at the presentation of an

election petition, but the amount may be reduced as circumstances may require.

110. If, during the trial of any election petition, it happens : Special events.

1. That the respondent dies ; or
2. That the legislative assembly has declared his seat vacant ; or
3. That he has given notice that he does not intend to oppose, or further to oppose the petition ; or
4. That he is summoned to the Legislature, as a legislative councillor,

Notice of each such event shall be given.

Such notice, as well as that mentioned in paragraph 3 of this section, shall be given in the same manner, as that required for the withdrawal of an election petition. Notice.

111. Within the delay prescribed, any person who might have petitioned against the election, may apply to the judge or court before whom the case is pending, to be admitted as respondent to oppose the petition, or so much thereof as may still remain undisposed of. Substitution of respondent.

112. Such person shall accordingly be admitted to oppose the petition, or so much thereof as may remain undisposed of, either in place of the respondent, or with any other respondent if there be any. Idem.

Any number of persons, not exceeding three, may be so admitted.

113. The persons thus admitted shall be liable for the costs thereafter incurred, according to the result of the case. Costs.

114. If any of the events mentioned in section 110 of this act happen during the trial of an election petition, the judge or the court before whom the cause is pending, shall adjourn the proceedings, to the end that the notice required as above mentioned may be given. Adjournment.

115. Whenever a respondent shall have given the prescribed notice, that he does not intend to oppose or further to oppose the petition, the judge or the court before whom the case is pending, shall immediately report the same to the speaker. Report.

116. The respondent cannot, after having given such notice, appear or act in any proceeding as a party interested against such petition, nor shall he, until the legislative assembly has received the final report on the petition, sit or vote in the legislative assembly. Incapacity of respondent discontinuing.

Case of a
double return.

117. When, on a petition complaining of a double return, the respondent has given notice that he does not intend to oppose the petition, and no party has been admitted to oppose the petition, the petitioner may, provided there be no petition against the other member declared elected in such double return, withdraw his petition, by giving notice to the prothonotary.

The judge or the court before whom the case is pending, shall immediately report the fact to the speaker.

XII.—DUTIES OF THE SPEAKER.

Duties of the
speaker.

118. The speaker shall, at the earliest practical moment after having received the judgments and reports, adopt all the proceedings necessary for confirming or altering the return of the returning officer, or for the issuing of a new writ for a new election within thirty days, or for otherwise carrying the final judgment into execution, as circumstances may require.

He may, for the issuing of such writ of election, address his warrant, under his hand and seal, to the clerk of the crown in chancery.

Communica-
tion to leg. ass.

119. The speaker shall, without delay, communicate to the legislative assembly, the judgments and the reports received, and his own proceedings thereon.

Special report.

120. When a special report has been received, the legislative assembly may make such order in respect of such special report as it may deem proper.

XIII.—COSTS.

Tariff of adv-
ocates' fees.

121. The judges of the superior court, or the majority of them, may, from time to time, make, revoke or alter a tariff of fees to be paid to advocates and counsel, on proceedings to be had in relation to election petitions.

A copy of each such tariff shall be transmitted to the legislative assembly, in the same manner as the rules.

Prothonota-
ries' fees.

122. The expenses and fees of prothonotaries and other taxes imposed on proceedings, in actions of the highest class in the superior court, shall be exigible in proceedings on an election petition, in so far as the latter resemble those mentioned in the first instance.

Decision as to
costs.

123. All costs, charges and expenses resulting from the presentation of an election petition and of the proceedings consequent thereon, shall be payable by the petitioner or by the adverse parties, in such manner and in such propor-

tions as the judge or court before whom the case is pending, may determine.

124. The judge or court before whom the case is pending, shall disallow all costs, charges and expenses, which in their opinion, have been caused by vexatious conduct, or unfounded allegations or objections, on the part of either the petitioner or respondent, and with the view of discouraging any needless expense, shall throw the burden of paying the same on the parties by whom it was caused, whatever be the result of the contestation. Needless costs.

125. The costs shall be taxed in the manner ordinarily observed in civil actions, by the judge or any of the judges of the district, in which is the record. Taxation.

126. In the event of costs being awarded against the petitioners, a statement of costs due to his witnesses and to each party, with a certificate of taxation, shall, within the thirty days next after the rendering of the decision, be produced in the office of the prothonotary in which is the record. Costs against petitioner.

At the expiration of such delay, if the amount of costs so established does not exceed the deposit, the petitioner may withdraw the residue.

127. Such persons, at the expiration of such delay of thirty days, shall be entitled to receive, from the provincial treasurer, out of the amount deposited as security, the sum taxed in their favor, if the total amount of the various certificates do not exceed the amount of the deposit. Payment of costs.

If the amount exceed that of the deposit, each such person shall receive only his proportion thereof; and he may afterwards cause to be issued a writ of execution against the property of the petitioner, for the balance of his costs, in the manner ordinarily followed in civil actions.

128. If the respondent is condemned in costs, such costs shall be taxed, and may, at the expiration of thirty days from the rendering of the judgment, be levied by writ of execution, in the manner usually pursued in civil causes. Costs against respondent.

XIV.—COMING INTO FORCE OF THIS ACT.

129. This act shall come into force on the day of its sanction. Entry into force of act.

APPENDIX.

Form mentioned in section 78 of this act.

CANADA, PROVINCE OF QUEBEC, District of	}	SUPERIOR COURT.
---	---	-----------------

Election for _____, held the
day of _____

I _____ of _____, make
oath and say :

1. That I have, in my possession or in my power, the documents referring to the matters in question, mentioned in the first and second parts of the first schedule hereunto annexed.

2. I object to the production of the said documents referred to, in the second part of the said first schedule.

3. (*Mention the motive of the objection, and verify the facts as far as possible.*)

4. I had, but have no longer in my possession or in my power, the documents referring to the matters in question mentioned in the second schedule hereunto annexed.

5. The documents last mentioned were in my possession or power for the last time, the (*say when*).

6. (*State what has become of the documents last mentioned, to whom you delivered them, or in whose possession they now are.*)

7. To the best of my knowledge, of my remembrance, and of my information and belief, I have not now, nor ever had in my own possession, custody or power, or in the possession, custody or power of my agents or attorneys, agent or attorney, or in the possession, custody or power of any one, in my name and for myself, any deed, account, account books or report, voucher, receipt, letter, memorandum, paper or writing, or any copy or extract of any document of this character, or document whatever referring to the matters in question, or to any one of them, or in which any entry is made relating to these matters, or any of them, other than the documents mentioned in the first and second schedules hereunto annexed.

Sworn, &c.

(*Annex the schedules mentioning the documents in question.*)

C A P . I X .

An Act to amend article 69 of the Code of Civil Procedure, relating to the service on certain Defendants.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Article 69 of the Code of Civil Procedure of Lower Canada, is amended so to read as follows : Art. 69, C. C. P., amended.

“69. Nevertheless and without prejudice to the mode of summons mentioned in the preceding article, when a defendant, having property in the province of Quebec, has no longer, or has never had any domicile therein, or when the cause of action arose in the province of Quebec and the defendant resides in the dominion of Canada, the judge, or the prothonotary, upon proof of the fact by affidavit or otherwise, may grant leave to serve the writ of summons at the domicile of the defendant, and such leave is endorsed in writing by him upon the writ, which may then be served by any bailiff of a court of superior jurisdiction in the place in which the service is to be made, or any literate person, either of whom makes an affidavit of service, sworn to before any justice of the peace, having jurisdiction in the place where the service was made, or before a commissioner of the superior court, for the province of Quebec, or by any bailiff of the superior court for the province of Quebec.”

2. This act shall come into force on the day of the sanction thereof. Coming into force of this act.

C A P . X .

An Act to amend the law respecting Civil Procedure, in the Superior and Circuits Courts, respecting the mode of rendering judgment and of adjourning the Court.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. At any time, when a judge who has heard a cause in the superior or in the circuit courts, is incapable, on account of illness, absence or other cause, of rendering judgment in person, he may transmit the draft of the judgment, certified by him, to the prothonotary or to the clerk, as the case Mode of rendering judgment in the Judge's absence.

may be, with instruction to enregister such judgment and to read it, or to give communication of it on demand to the parties or their attorneys *ad litem*, on the day previously fixed for that purpose by the court which shall have taken the cause *en délibéré*.

The prothonotary or the clerk, on receiving the draft of judgment and the instructions accompanying it, is obliged to conform to such instructions; and the judgment so enregistered, shall have the same effect as if it had been rendered by the judge, during the sitting of the court.

Interpretation. 2. The provisions of the preceding section shall take effect notwithstanding article 1080 of the code of civil procedure, section 1 of the act of this province, 32 Vict., chap. 20, and any other provision of the law, and without prejudice to such article, section, or provision of law.

Adjournment in the absence of the judge. 3. In the absence of the judge who should preside over the superior or the circuit court, the prothonotary or clerk, as the case may be, may adjourn the court from day to day during the term.

C A P. X I.

An Act to amend the law respecting the qualification of Jurors in the County of Bonaventure.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Jurors in Bonaventure.

1. Sections two and three of the act of this province, 32 Vict., chap. 22, in so far as they have reference to the value of property requisite for the qualification of grand and petit jurors, shall not apply to the county of Bonaventure; but in such county the value shall be as follows :

Grand jurors.

1. For grand jurors, if proprietors, a total assessed value of over one thousand dollars, and, if occupants or lessees, a total assessed annual value of over one hundred dollars ;

Petit jurors.

2. For petit jurors, if proprietors, a total assessed value of at least four hundred dollars, but not over one thousand dollars, and, if occupants or lessees, an assessed annual value of at least forty dollars, but not over one hundred dollars.

Coming into force of this act.

2. This act shall come into force on the day of the sanction thereof.

C A P . X I I .

An Act to render liable to seizure a portion of the salaries of Public Officers and Employees.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. In future, the salaries due and to become due of all public servants or employees, in the province of Quebec, shall be liable to seizure in the proportions hereinafter set forth, for any debt incurred subsequently to the coming into force of this act, notwithstanding any provision to the contrary contained in articles 558 and 628 of the code of civil procedure of Lower Canada. Salaries liable to seizure.

2. The portions of such salaries liable to seizure shall be : Portions liable to seizure.

1. A fifth of every monthly salary, not exceeding one thousand dollars per annum ;

2. A fourth of every monthly salary, exceeding one thousand dollars but not exceeding two thousand dollars per annum ;

3. A third of every monthly salary, exceeding two thousand dollars per annum.

3. The seizure of each such portion of the said salaries shall be made and adjudicated upon in the manner usual in relation to attachments by garnishment after judgment, before any competent court. Seizure.

4. A copy of the writ of attachment shall be served upon and left with the head or deputy-head of the department or office, in which the public servant or employee, defendant, is employed and paid. Service.

The bailiff or seizing officer must endorse on such copy a declaration of the day of service and affix his signature at the foot of such declaration.

5. The head or deputy-head of the department or office, in which the salary attached by garnishment is paid, in lieu of making a declaration under oath, shall make a report to the court under his signature, establishing the amount of the salary due at the time of the service of the writ of attachment and the amount of the salary to become due each month, if such servant or employee continues his employment under the same conditions, Report of the head or deputy-head.

Agreement
between the
creditor and
employee.

6. Notwithstanding what precedes, it shall be lawful for any creditor of any public servant or employees before entering an action or issuing a writ of attachment by garnishment, to produce a sworn statement of his debt or a copy of judgment, at the office or department in which such public servant or employee receives his salary.

If such public servant or employee acknowledges himself to be indebted in the sum demanded, and, in writing, authorises the payment thereof out of the portion of his salary liable to seizure, the head or deputy-head of such office or department shall pay the creditor according to the authorization, at each period of payment of salaries.

If several creditors present themselves at the same time, they shall be paid concurrently, in proportion to their claims.

Proviso :

7. Nothing in the preceding section shall have the effect of preventing the attachment by garnishment of the part of the salary liable to seizure under section one of this act ; and in the event of such attachment, the authorization given under the preceding section shall become null and of no effect.

C A P . X I I I .

An Act to amend Articles 945 and 1336 of the Civil Code in relation to substitutions and community between consorts.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Art. 945 C. C.
amended.

1. Articles 945 and 1336 of the civil code are amended, to read in the following manner :

"945. All substitutes, born and unborn, are represented in all inventories and partitions by a curator to the substitution, appointed in the manner established as regards tutors. The curator to the substitution attends to the interest of such substitutes in all such inventories and partitions, and represents them in all cases in which his intervention is requisite or proper.

The institute who neglects to demand this nomination may be declared to have forfeited in favor of the substitute the benefit of the disposition.

All persons who are competent to demand the appointment of a tutor to a minor of the same family, may also demand the nomination of a curator to the substitution."

"1836. If the dissolution be demanded by the survivor, and some of the children be still minors, his demand must be preceded by an inventory, which he must make according to the form of that required to prevent the continuation of community, and for such purpose the subrogate tutor represents the minors, and stands as an adverse party.' Art. 1836 C. C. amended.

C A P . X I V .

An Act relating to the notices and declarations to be given to Registrars.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The notices and declarations mentioned in articles 2098, 2131 and 2172 of the civil code, may be given to registrars for those interested, by any person whomsoever, whether a relative or not. They may also be given by married women, interdicted persons, and the minors themselves. Notices and declarations, by whom given.

C A P . X V .

An Act to amend and extend article 2175 of the Civil Code, respecting the Cadastre.

[Assented to 23rd February, 1875.]

WHEREAS some doubts have arisen, respecting the legality of certain sub-divisions of lots marked on the official plan and book of reference of a registration division, or of a part of such division, and that it is expedient to remove these doubts; and whereas it is expedient to extend and to modify the provisions of article 2175 of the civil code; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Any property designated by a single number on the plan and in the book of reference of any registration division, or part of such division, which has been sold in parts, or by lots, before the passing of this act, between the closing of any cadastre and the coming into operation of article 2168 of the civil code, in the said division or part of a division, might have been and may be sub-divided and Cadastration of a lot sub-divided between the preparation and closing of the Cadastre.

cadastrated in the name of the original proprietor, specified in the said book of reference, after such coming into operation ; provided that the formalities prescribed by article 2175 of the civil code were observed ; and the said article 2178 of the civil code, is interpreted in such sense.

Inscriptions.

Every division made as above is valid.

The parts sold of the said sub-divided property, shall be known and designated by the numbers on the plan and book of reference, of the sub-division of such property and inscriptions made on these lots shall be good and valid for all purposes whatsoever.

**Cadastral
sub-division
after sales.**

2. In the case where a property before the passing of this act, has been sub-divided and sold by lots, without there previously having been a plan and book of reference prepared according to article 2175 of the civil code, the commissioner of crown lands may, on requisition addressed to him by a majority of the persons interested, permit that a plan and book of reference of the sub-division of such property be made ; provided that the following formalities be observed :

1. A plan shall be made bearing numbers as ordinary sub-divisions, also a book of reference corresponding therewith, which shall be signed and certified as correct by the parties interested, and addressed, with a copy of such plan and book of reference to the commissioner of crown lands, who shall keep the original, and remit such copy certified by him, to the registrar of the registration division ;

2. The registrar shall then prepare his index to immovables, for such property thus cadastrated, in his index book for the sub-divisions ;

3. On certificate of the registrar of the deposit of the plan and book of reference of such division thus made, the lieutenant-governor in council shall issue a proclamation by which he shall order that all the hypothecs particularly affecting any of the lots mentioned in the said plan and book of reference, and not including the hypothecs affecting the whole property thus divided, be renewed within a delay of six months, to be computed from the day fixed in such proclamation, and in default of such renewal being made, any person who has not conformed to the provisions of this section shall lose his rank of priority of hypothec ;

4. The cost of such plan and book of reference shall be borne by the persons interested.

**Effect of this
section.**

The provisions of the present section shall only apply to facts anterior to the passing of the present act, and must not be interpreted as permitting for the future the making of plans and books of reference, otherwise than in conformity with the provisions of the said article 2175, and of the present act.

3. Notwithstanding article 2175 of the civil code, any property may be sub-divided into town or village lots, or in parts of town and village lots, whatever be their number; and another sub-division of the said property may be substituted for any sub-division deposited with the registrar, or any part of the sub-division to any other part of the sub-division, provided that the plan and book of reference be made and deposited according to article 2175 of the civil code, by the proprietor or other person interested.

Sub-divisions unlimited.

Plan and book of reference may be substituted to another.

The new sub-divisions of the property shall be further subject to the following conditions:

Conditions required.

1. The plan and book of reference of the new sub-division, made by the parties interested as aforesaid, and deposited at the office of the commissioner of crown lands, shall be accompanied by a certificate of the registrar of the registration division, where a sub-division shall have been already made, establishing whether inscriptions have already been made on any of the lots comprised in the sub-division; and if he find no inscriptions on such lots, the said commissioner of crown lands shall annul the plan and book of reference of the former sub-division, and shall transmit the copy, by him certified, of the plan and book of reference of the new sub-division, to the registrar who shall without delay return to the said commissioner of crown lands, the plan and book of reference to which the new ones are substituted;

2. If the certificate of the registrar establishes that there are lots in such sub-division affected by inscriptions, the commissioner of crown lands shall annul the plan and book of reference, only for the part of the property which shall not have been affected by such inscriptions; and he shall transmit a certified copy of the plan and book of reference of the new sub-division to the registrar, who shall, without delay, return to the said commissioner of crown lands, the plan and book of reference, to which the new are substituted; provided always, that no change, nor any alteration in the numbers given to the said lots thus affected be made, which numbers shall be kept on the new plan and book of reference, and shall form part of the new series of numbers;

3. The person requiring such substitution of a sub-division or of part of a sub-division, shall pay to the registrar the ordinary expense of search and the expenses occasioned by the loss of the leaves of the index to immovables, when any there is.

4. Nothing contained in this act shall be interpreted so as to affect cases actually pending.

5. This act shall come into force on the day of the sanction thereof.

Coming into force of this act.

CAP. XVI.

An Act to authorize the withdrawal of the particular plan and book of reference of the Lot number Sixty-one of the Parish of Montreal.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS on the twenty-eighth day of February last, (1874,) a particular plan and book of reference of a sub-division into town or village lots of lot number sixty-one of the official plan of the parish of Montreal, save the land on which the church of the parish of Notre Dame de Grâce, (which is a sub-division of the said parish of Montreal,) is erected, were deposited in the registry office of the registration division of Montreal; and whereas the said sub-division was made to conform with the configuration of the said church lot; and whereas since the deposit of the said plan, the extent, configuration and boundaries of the said church lot have been altered, and a street of 60 feet in width has been laid out along the rear line thereof; and whereas in consequence of the said change in the extent and configuration of the said church lot and of the laying out of the said street in the rear thereof, it has become impossible to carry out advantageously the said sub-division; and whereas the whole of the said lot (except the said church lot) belongs to Ephrem Hudon, junior, of the city of Montreal, and no transactions whatever have been registered since the deposit of the said particular plan subdividing the same, save the deed altering the configuration of the said church lot; and whereas the said Ephrem Hudon, junior, has, by his petition, prayed that legislative authority be given for the withdrawal, of the said particular plan; and whereas no rights can be affected by such withdrawal, and it is expedient to grant his prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Registrar's
certificate.

1. On a demand in writing being made to the registrar of the registration division of Montreal, by the said Ephrem Hudon, junior, the registrar shall make search against all the sub-divisions into which his part of the said lot No. 61 of the official plan of the said parish of Montreal has been divided; and if it does not appear that any registration has been effected upon the said sub-divisions other than that of the deed altering the extent, configuration and boundaries of the said church lot, which was registered on the 18th day of May, 1874, under the No. 78,900, he shall forthwith transmit to the commissioner of crown lands for the pro-

vince of Quebec, the particular plan and the book of reference of the sub-division of the said part of the said lot, which were deposited in his office on the twenty-fourth day of February last, (1874), together with a certificate establishing the fact that no registration appears to have been effected on the said sub-divisions since the date of the deposit of the said plan, except that of the above mentioned deed.

Delivery of the plan and book of reference.

2. The sub-division made by the said particular plan and book of reference shall cease to have any effect from the date of the transmission of such plan and book of reference by the registrar to the commissioner of crown lands, and the said part of the said lot, No. 61, shall thereupon become and be in the same undivided condition as before the deposit of the said particular plan and book of reference.

Cadastration sub-division ceases to have effect.

3. The said search and the transmission of the said particular plan and book of reference, shall be made at the cost and expense of the said Ephrem Hudon, junior; and he shall also pay to the registrar such amount as may be taxed and fixed by the commissioner of crown lands for his expenditure and labor in preparing the index to immovables for the sub-divisions of the said particular plan and book of reference.

Costs.

4. A new particular plan and book of reference for the sub-division of the said lot No. 61, save the said church lot, may at any time thereafter be made and deposited in the same way, and with the same effect, as if the particular plan and book of reference to be withdrawn, had never been made and deposited.

Substitution of a new cadaastre.

C A P . X V I I .

An Act to divide the Registration Division of Montreal into three Registration Divisions.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. From and after the period, which the lieutenant-governor may, by proclamation fix for that purpose, the registration division of Montreal shall be divided into three divisions, for the registration of real rights, affecting real estate, and of any deed or document the registration whereof is required.

Registration divisions.

1st. division. **2.** One of these divisions shall comprise the East, Sainte Marie, Saint Jacques, Saint Louis and Saint Laurent wards, of the city of Montreal, in their present limits, as defined by the act of this province, 37 Vict., chap. 51, and shall be designated and known as "The registration division of Montreal East."

2nd. division. **3.** The second of these divisions shall comprise the Centre, Western, Saint Antoine and Sainte Anne wards, of the city of Montreal, in their present limits, as defined by the act of this province, 37 Vict., chap. 51, and shall be designated and known as "The registration division of Montreal West,"

3rd. Division. **4.** The third of such divisions shall comprise the counties of Hochelaga and Jacques Cartier, and shall be designated and known as "The registration division of the counties of Hochelaga and Jacques Cartier."

Location of offices. **5.** The lieutenant-governor in council may, from time to time fix, even beyond the limits of the division, the locality in which the registry office of each of such three divisions shall be held, provided that, before the opening of the office in any such locality, a suitable building and fire-proof vault be erected, and that a registrar has been appointed for such division.

The locality to be fixed for each of such offices shall be within the limits of the city of Montreal; nevertheless that of the registration division of the counties of Hochelaga and Jacques Cartier, may be fixed in the county of Hochelaga.

The present office and registrar. **6.** The registry office now established in the city of Montreal shall be and continue to be that of the registration division of Montreal West; and the present registrar shall, without new appointment, but during good pleasure, continue the registrar of such registration division.

Previous deposit of the cadastre in each new office. **7.** Before the opening of the office of the registration division of Montreal East, and of the office of the registration division of the counties of Hochelaga and Jacques Cartier, a copy of the plan and book of reference which corresponds thereto for any part of the territory then cadastrated, shall be deposited in each of such offices.

Interpretation. **8.** All laws in force respecting the registration of different titles and deeds and all matters pertaining thereto, as also those respecting registry offices, and the registrars and deputy-registrars appointed thereto, shall apply in the

registration divisions, by this act established, save in so far as is inconsistent with this act.

9. The fees exigible and received for registrations effected in the registration division of Montreal, under the act of the late province of Canada, 12 Vict., chap. 112, and under the act of the said province, 29-30 Vict., chap. 28, shall continue to be paid and received in the various registration divisions by this act established, until they are revoked, altered or changed according to law. Fees exigible

10. The registrar of each of such registration divisions shall give security to the amount of ten thousand dollars. Registrars' security.

C A P . X V I I I .

An Act to divide the County of Bonaventure into two Registration Divisions.

[Assented to 23rd February, 1875.]

WHEREAS the very large extent of the county of Bonaventure presents very great inconvenience as respects the registration of titles, and it is therefore advisable to divide the same into two registration divisions ; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows : Preamble.

1. From and after the day to that end fixed by proclamation of the lieutenant-governor, the county of Bonaventure for all purposes respecting the registration of titles and other documents affecting real estate, shall be divided into two registration divisions. Two registration divisions.

One of such divisions shall include all the parishes and all the townships from the eastern limits of the county of Bonaventure, to the river Grand-Cascapédiac, and shall be styled the "First registration division of the county of Bonaventure."

The other shall include the remainder of the county, and shall be styled the "Second registration division of the county of Bonaventure."

2. The present registrar shall, without new appointment, be the registrar of the first registration division ; and the registry office now established at New Carlisle shall be and continue to be the registry office of such division. The present registrar and his office.

Office of the
2nd. division.

3. The registry office of the second registration division of the county of Bonaventure, shall be held in the parish of St Joseph de Carleton.

Registration
of the 2nd. di-
vision.

4. A registrar may be at any time appointed after the coming into force of this act, for the second registration division of the county of Bonaventure, so soon as a suitable building and fire-proof vault, have been erected near the locality in which the sittings of the circuit court are held, at the cost and expense of the local municipalities included within the limits of the second registration division; and such registrar shall enter into office on a day to be fixed by the proclamation of the lieutenant-governor, issued under the first section of this act.

Interpreta-
tion.

5. All laws in force respecting the registration of different titles and deeds and all things connected therewith, as also those respecting registry offices, and registrars and deputy-registrars appointed thereto, shall apply in the registration divisions by this act established, save in so far as they are inconsistent with this act.

C A P . X I X .

An Act to change the name of the *chef-lieu* of the District of Bedford, from Nelsonville to that of "Sweetsburgh."

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the court-house and gaol of the district of Bedford, are situate within the limits of the recently constituted village of Sweetsburgh; and whereas it is desirable that the name of the *chef-lieu* should be altered accordingly; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Sweetsburgh
substituted to
Nelsonville.

1. The name of the *chef-lieu* of the district of Bedford shall hereafter be known and designated as the village of Sweetsburgh instead of Nelsonville, in the township of Dunham; and the schedule forming part of article 1355 of the code of civil procedure is hereby amended in this sense.

Coming into
force of this
act.

2. This act shall come into force on the day of the sanction thereof.

C A P . X X .

An Act to remedy certain illegalities and irregularities committed in the offices of the Sheriffs of the Districts of Ottawa and Rimouski, and in the Registry offices of the Counties of Bonaventure and Ottawa, and of the second Registration District of the County of Rimouski.

[Assented to 23rd February, 1875.]

WHEREAS the register of deeds of sale kept by the ^{Preamble.} sheriffs of the district of Ottawa, and certain registers of the registry offices of the County of Bonaventure, and of the second registration district of the county of Rimouski, have not been authenticated, as required by law; whereas there are blank sheets or pages at the end of the fifteenth volume of register B, of the registry office of the county of Ottawa; whereas the authentic attestations made in the register of the deeds of sale used in the office of the sheriff of the district of Rimouski, have been made at different periods and in a different manner, in the duplicates of such register; and whereas it is desirable to remedy such illegalities and irregularities; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The sheriff of the district of Ottawa shall, immediately ^{Sheriff of Ot-} after the coming into force of this act, cause the register of ^{tawa.} deeds of sale in use in his office, to be authenticated in the manner required by law.

2. The registrar of the county of Bonaventure shall, im- ^{Registrar of} mediately after the coming into force of this act, cause the ^{Bonaventure.} seventh volume of register B, and register B B, kept by him in his capacity of registrar, to be authenticated in the manner required by law.

3. The registrar of the second registration district of ^{Registrar of} the county of Rimouski shall, immediately after the coming ^{the 2nd regis-} into force of this act, cause the register of declarations of ^{tration district} partnership now in use in his office, to be authenticated ^{of Rimouski.} according to law.

4. The attestations of authenticity to be affixed under ^{Effect of the} this act to the registers mentioned in the preceding sections, ^{attestations} shall be as valid and shall have the same effect, as if the ^{to be made.} same had been done before any entry was made in such registers.

Duties of the officers.

5. The officers usually authorized to authenticate the registers of the registry offices and those of the sheriffs are empowered, and shall be bound, on application, to make the attestations of authenticity required by this act.

Registrar of Ottawa.

6. The registrar of the county of Ottawa is authorized and required to certify, at the end of the last deed registered in the fifteenth volume of register B, that such deed is the last document registered in such volume, and that such register is continued to the sixteenth volume thereof.

The fifteenth volume of such register B, so certified by the registrar of the county of Ottawa, shall be deemed to be closed and completed, and the entries in such register shall, notwithstanding article 2180 of the civil code, be deemed to have been made in continuation without blanks.

Sheriff of Rimouski.

7. The attestations of authenticity affixed by the prothonotary of the superior court for the district of Rimouski, to the register of the deeds of sale of the Sheriff of such District, are hereby declared good and valid, and they shall have to all intents and purposes the same effect, as if they had been made at the same time and in the same manner.

C A P . X X I .

An Act to remedy certain informalities in the Deeds of Sale of Real Estate given by Philip Vibert, heretofore Sheriff of Gaspé.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS Philip Vibert, heretofore sheriff of the county of Gaspé, has, during the holding of his office, given deeds of sale of real estate, without having affixed the stamps thereon, required by law, and it is expedient to legalize the deeds so passed; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Titles declared valid.

1. All titles or deeds of sale of real estate made by Philip Vibert, heretofore sheriff of the county of Gaspé, in his capacity of sheriff, and all copies of such titles or deeds of sale, on which the stamps required by law have not been affixed, notwithstanding the non fulfilment of such formality, are declared to have been and to be valid as if the required stamps had been affixed; provided, always, that nothing in this act contained shall in any manner whatso-

Provido.

ever affect any cause now pending before any court of justice, in this province.

2. The present act shall come into force at the time of sanction thereof. Coming into force of this act.

CAP. XXII.

An Act to render valid certain Deeds and Documents executed in the District of Gaspé.

[Assented to 23rd February, 1875.]

WHEREAS various deeds and documents have been executed in the district of Gaspé, before a justice of the peace, minister, *curé* or missionary and two subscribing witnesses, or before a prothonotary and two subscribing witnesses, or simply before two subscribing witnesses, subsequently to there being two notaries resident and practising in each of the counties of Gaspé and Bonaventure, deeds and documents, which the parties have executed or desired to execute in good faith, which they have always regarded as obligatory, and by which they have always understood their real and personal property was bound and effected; and whereas, therefore, it is necessary to remedy the great inconvenience and disorder, which would result, were these deeds and documents to be deemed null, from the same not having been executed and passed before notaries; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Every deed, document or agreement in writing, will, inventory, *purlage*, donation or marriage contract, executed and passed, previous to the coming into force of this act, in any of the counties of Gaspé and Bonaventure, subsequently to there being two notaries resident or practising, in each such county, before any justice of the peace, minister, missionary or *curé*, and two subscribing witnesses, or before a prothonotary and two subscribing witnesses, or simply before two subscribing witnesses, has had and shall have the same effect in law, as it would have had, if subsection two, of the thirteenth section, of chapter thirty-eight, of the Consolidated Statutes for Lower Canada, had never come into force; provided that nothing in this act contained shall in any manner affect pending cases, nor rights acquired by third persons not parties to the said deeds. Certain deeds declared valid. Provide :

C. S. L. C., c.
38, s. 13, par.
2, repealed for
Gaspé.

2. Sub-section two, of section thirteen, of chapter thirty-eight, of the Consolidated Statutes for Lower Canada, is repealed in so far as respects the county of Gaspé, but it shall in future retain full effect, in respect of the county of Bonaventure.

C A P . X X I I I .

An Act to render valid certain Notarial Instruments.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS a very considerable number of authentic last wills and testaments have been received by one notary and two witnesses, one only of which witnesses could sign his name, or have been received without the required mention relative to the reading and the signature exacted by article 843 of the civil code, to the great injury of parties interested therein; and whereas doubts have arisen in respect of the validity of instruments or contracts executed by notaries holding the office of registrar or deputy-registrar at the time the act 33 Victoria, chapter 28, came into force, and by notaries employed as cashiers or assistant cashiers, or as clerks in any bank or monetary or commercial institution whatsoever, which endanger the rights and interests of parties to the said acts or contracts; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Last wills
rendered valid.

1. Every authentic last will and testament received before one notary and two witnesses, one only of which witnesses could sign his name, since the civil code of Lower Canada came into force, until this act comes into force, shall be held to be valid, and to prove its contents, notwithstanding the defect of this formality, in like manner as if the defect did not exist, provided it does not contain any ground of nullity, other than such defect of form.

Last wills
rendered valid.

2. Every authentic last will and testament received before two notaries, or one notary and two witnesses, without making mention in the instrument that the testator signed in the presence of the notaries, or of the notary and the witnesses, and together with them or declared that he could not do so after it had been read to him by one of the notaries in presence of the other, or by the notary in presence of the witnesses, until this act comes into force, shall be considered authentic, and valid, notwithstanding this defect of making mention, in the same manner as if mention had been made in the instrument;

provided always, that the formalities, the observance of which should have been mentioned, had been really observed. .

3. Every notarial act or instrument executed by a notary holding the office of registrar or deputy-registrar at the time the act 33 Victoria, chapter 28, came into force, or of cashier or assistant cashier, or clerk in any bank or monetary or commercial institution whatsoever, until this act shall come into force, shall be held to have been and to be authentic and valid, any provisions of the law contrary notwithstanding. Acts executed by notaries, holding offices as registrars, cashiers, &c., held valid.

4. All inventories made since the civil code came into force, in presence of the tutor and subrogate tutor, but without the presence of a tutor *ad hoc*, in conformity with article 1336 of the civil code, shall be deemed good and valid; without prejudice to pending causes. Certain inventories deemed valid.

5. Sections five, six and seven of chapter thirteen of the act of this province, thirty-fourth Victoria, shall not heretoforth apply to notaries who are treasurers or cashiers of any building society, provided said notaries shall not have the right to pass any deed affecting such societies. Notaries may be treasurers or cashiers of any building society. Proviso:

6. Section fifty-one of the act to consolidate and amend the acts respecting the notarial profession, is hereby repealed, and the section fifty of the same act is amended so as not to apply to registrars and deputy-registrars actually in office and who have been appointed to such offices before the first day of January, 1874. 33 V., c. 28, s. 51 repealed, and s. 50, amended.

7. The section fifteen of said act 34 Victoria, chapter 18, is amended in striking out all the words after the words "following words" in line two, and inserting in their stead the following words: "All indentures and transfers thereof shall be enregistered at the office of the secretary of the board of notaries, within thirty days at least, before the candidate presents himself before the said board to be admitted to practice as a notary." 34 V., c. 13, s. 15, amended.

8. This act shall come into force the day of its sanction. Coming into force of this act.

C A P . X X I V .

An Act to amend article 718 of the Municipal Code.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Art. 718 M. C.
amended.

1. Article 718 of the municipal code, as amended by the act of this province 36 Vict., ch. 21, section 20, is further amended :

1. By substituting for paragraph 6 the following :
" 6. The indication or designation of the taxable real estate, in the manner prescribed by a resolution of the council ; but for any part of the land cadastrated, it shall be necessary to use the numbers of the cadastre ;

2. By striking out paragraphs 15, 16, 17 and 18."

Interpreta-
tion.

2. The provisions of this act shall form part of the municipal code of the province of Quebec, shall apply to the same references as the provisions for which they are substituted, or which they amend, and shall generally have the same force or application, as the municipal code.

Coming into
force of this
act.

3 This act shall come into force on the day of the sanction thereof.

C A P . X X V .

An Act further to amend the Municipal Code.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Art. 623a
added to . C.

1. The following article is added to the Municipal Code of the Province of Quebec, after the article 623 :

" **623a.** The council, on the petition to that effect, of the proprietors representing two-thirds in value of taxable real estate, shall be bound to divide the municipality into three wards at least, in conformity with the articles 617 and 618.

On the refusal or neglect of the council to pass a by-law for this object, at one of the two general meetings following the presentation of the petition, the lieutenant-governor in council may make such division, which shall have the same effect, as if made by the municipal council."

Art. 678a M.
C. amended.

2. Article 678a added to the municipal code by the act 35 Victoria, ch. 8, and amended by the act 36 Victoria, ch. 21, is further amended, so as to read as follows :

" **678a.** The chairman after opening the meeting and reading the by-law, is bound to open the poll without delay, and to proceed to register the votes."

3. Article 678b added to the municipal code by the act 35 Victoria, ch. 8, and article 678c added to this code by the said act and amended by the act 36 Victoria, ch. 21, are repealed. Art. 678b and 678c M. C. repealed.

C A P . X X V I .

An Act respecting voluntary sales, transfers and assignments of *rentes constituées* representing seigniorial dues, created in virtue of seigniorial *cadastres*, and the signification of the said sales, transfers and assignments.

[Assented to 23rd February, 1875.]

WHEREAS the consolidated seigniorial act, (being Preamble. chapter 41 of the consolidated statutes for Lower Canada,) as amended by the acts of the legislature of the late province of Canada, 27-28 Victoria, chapter 39, (and notably in section 18,) and 29-30 Victoria, chapter 30, and the acts of the legislature of the province of Quebec, 32 Victoria, chapter 30, and 37 Victoria, chapter 9, in providing for the mode of making and signifying forced sales and *décrets* of constituted rents representing seigniorial dues, created in virtue of the *cadastres* prepared under the authority of the consolidated seigniorial act aforesaid, and of the various acts amending the same, has not provided for the mode of making voluntary sales, transfers and assignments of the same dues, nor for the mode of notifying the debtors of the said rents, by the new acquirers thereof, such voluntary sales, transfers and assignments; and whereas it is advisable to remove all doubts, and to enact special provisions in relation thereto; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, declares and enacts as follows :

1. The constituted rents representing seigniorial dues, under the authority of the consolidated seigniorial act, and the amendments thereto, cited in the preamble of this act, payable by the receiver-general of the late province of Canada, (now paid out of the treasury of the Dominion of Canada,) as representing *lods et ventes* and other casual dues, might have been, under the acts cited in the preamble of this act, and may hereafter be voluntarily sold, transferred and assigned, in Lower Canada, (now the province of Quebec,) by a simple notarial act in authentic form, executed in Lower Canada or the province of Quebec, before a notary in the ordinary form. Mode of disposing of rents representing lods et ventes.

Significations
of sales previ-
ously made.

2. The signification of the sales, transfers and assignments mentioned in the first section of this act, might have been made upon the receiver-general of the late province of Canada, or upon the receiver-general of the Dominion of Canada, by the mere delivery of an authentic copy of any notarial deed, specifying such sale, transfer or assignment, at the office of one or other of the said receiver-generals, or unto any seigniorial commissioner, or other officer representing one or other of the said receiver-generals, and entrusted either on the part of the treasury of the late province of Canada or of the Dominion of Canada, with the payment of the said constituted rents; and in future the signification of the said sales, transfers and assignments shall be made unto the treasury officer, entrusted with the payment of the said constituted rents, or of the capital thereof, or unto any person acting for such officer, by and through the ministry of a notary of the province of Quebec, according to the manner usually followed in relation to the signification of sales and assignments in general.

Significations
of sales in
future.

Mode of mak-
ing voluntary
sales of rents,
representing
cens et rentes

3. Constituted rents created in virtue of the said cadastres, under the acts above cited, payable by the proprietors of the lands, as representing *cens et rentes* and other casual dues, might have been under the laws in force in this province, and also under the statutes cited in the preamble of this act, and may in future be voluntarily sold, assigned and transferred in Lower Canada, (now the province of Quebec,) by a simple notarial act, in authentic form, executed in Lower Canada or the province of Quebec, before a notary, in the ordinary form in relation to sales, transfers and assignments in general.

Collective or
partial sales
representing
cens et rentes,
&c.

4. 1. The said constituted rents, representing *cens et rentes* and other casual dues, as specified in section three of this act, payable to any seignior or other creditor of such rents, or the dues of any such seignior or creditor, in relation to such constituted rents, whether by an absolute title, for life, for a term of years, or for the life of any other person, might have been and may be voluntarily sold, transferred and assigned, either collectively, (that is to say the totality of such rents for a whole fief or seignior, or for the whole of any part of a fief or seignior, possessed by such seignior or creditor as aforesaid,)—or partially, (that is to say for one or more of such constituted rents, belonging to such proprietor thereof as aforesaid);

Collective
sales.

2. And in the case of such collective sale, it has not been and will not be necessary to enumerate or describe the particular lots of land affected by such rents; but it has been sufficient and will suffice, to describe in the deed of such sale, in general terms, by its original name, or by the name

given to it in the cadastre, and by its general boundaries, the fief or seignior, or the part of the fief or seignior comprising the lands, upon which were or are established such constituted rents ;

3. And similarly in the case of any such partial sale, it Partial sales. has been sufficient, and it will suffice to describe in the deed of such sale, the constituted rent or rents so sold, as being the constituted rent or rents, created upon the lot or parcel of land bearing the number (*as the case may be*), or as being the constituted rents created on the lots or parcels of land bearing the following numbers in the cadastre, (*referred to*), that is to say, on the lots included from number (*as the case may be*) to number (*as the case may be*), inclusively, citing the number of reference of the cadastre only, or together with such number, the number of the *terrier* or concession specified in the said cadastre.

5. The registration of any deed of sale, transfer or assignment made and passed before the coming into force of this act of such constituted rents, representing *cens et rentes* and other casual dues, mentioned in the two preceding sections, made at the registration office, of the registration division, within which are situate the lands affected by the said constituted rents, shall be deemed to have been notice sufficient of any such sale, transfer or assignment, as well to all the debtors of the said rents, as to all the owners of the lands affected by the same, without its having been or being necessary, to make any other signification of the said sales, transfers or assignments, notwithstanding any law to the contrary and notably articles 1571, 1572 and 2127 of the civil code of Lower Canada. Registration has been a sufficient notice.

6. In future, every sale, transfer or assignment of the said constituted rents, representing *cens et rentes* and other casual dues, of the whole or part of any fief or seignior, may be signified to the debtors of the said rents, and to the owners of lands affected by the same, by the reading of such sale, transfer or assignment, by a notary, at the door of the church of the parish, within which the real estate charged with the said rents, is situated, during two consecutive Sundays at the close of divine service in the morning ; such notary shall draw up a deed of such signification and preserve the minute thereof, any law to the contrary notwithstanding, and notably the articles of the civil code mentioned in the preceding section. Notice of sale in future.

7. The said deed of signification shall be enregistered in the registry office of the registration division, in which the real estate charged with such rents is situated. Enregistration.

Interpretation. 8. Section ninety of the consolidated seigniorial act hereinabove cited, which is interpretative of the said act, shall apply equally to the present act, and shall avail for the interpretation thereof, jointly with the Quebec interpretation act.

This Act is declaratory. 9. The present act is in amendment to the several acts cited in the preamble thereof, and is also declaratory and interpretative of the true desire and intention thereof, as to the matters which it respects.

Pending cases. 10. Nothing in this act contained shall affect pending cases.

Title. 11 This act may be cited under the abridged title of "the act respecting sales and transfers of seigniorial rights, 1875."

C A P . X X V I I .

An Act to continue for a limited time the several Acts therein mentioned.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS it is expedient to continue, for a limited time, the acts hereinafter mentioned, which would otherwise expire at the end of the present session; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Act of Lower
Canada, 2 Geo.
IV. c. 8.

1. The act of the parliament of the late province of Lower Canada, passed in the second year of the reign of his late majesty, King George the Fourth, intituled : "An Act for better regulating the common of the Seigneurie of Laprairie de la Magdeleine ;"

2 Geo. IV. c.
10.

The act of the parliament passed in the same year of the same reign, and intituled : "An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the common of the said Seigneurie," as amended and extended by the act of the said parliament, passed

4 Geo. IV. c.
26.

in the fourth year of the same reign, and intituled : "An Act to authorize the chairman and trustees of the common of the Seigneurie of the La Baie St. Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said common, and for other purposes appertaining to the same ;"

The act of the said parliament, passed in the ninth year of ⁹ Geo. IV. c. the same reign, and intituled : " An Act to alter and amend ^{32.} an act passed in the sixth year of Her Majesty's reign, and intituled : " An Act to authorize the inhabitants of the fief Gros Bois, in the county of St. Maurice, to make regulations for the common of the said fief ;"

And all and every of the said acts are hereby continued, and shall remain in force until the first day of January, one thousand eight hundred and seventy-six, and from thence, until the end of the then next ensuing session of the legislature, and no longer.

2. Provided that nothing herein contained shall prevent the effect of any act passed during the present session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the acts hereinbefore mentioned and continued, nor shall continue any provision or part of any of the acts in this act mentioned, which may have been repealed by any act passed in any previous session, or during the present session.

C A P. X X V I I I.

An Act to amend the Act concerning the erection and division of Parishes, and the building and repairing of Churches, Parsonage Houses and Church Yards, and *Fabrique* Meetings, (C. S. L. C., chap. 15,) and to detach a certain territory from the mission of the Lake of the Two Mountains, and to annex the same to the Parish of the Patronage St. Joseph, for civil purposes.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Whenever, by ecclesiastical authority, an order or decree has been rendered,

Revocation of
the ecclesiastical
decree.

For the location, construction, change or removal, or the repair of any parish church or chapel, or church or chapel of ease, parsonage house, or church yard, at any time after the majority of the inhabitants being freeholders, interested in such construction or repair, have, by petition, applied to the commissioners ; praying for the assembly of the inhabitants of the parish or mission, with the view of proceeding to the election of three or more trustees, for the purpose of executing the said decree, or

Whenever the commissioners shall have by ordonnance, allowed such meeting and the election prayed for, or

Whenever the said election shall have been held according to law, or that the same has been approved by the said commissioners, or

Whenever the said trustees have prepared an act of assessment and have had the same approved by the said commissioners,

Costs.

It shall be lawful for the said ecclesiastical authority, on the demand of the majority of the inhabitants, being freeholders, to revoke the said decree; and in such case, the trustees so appointed, to carry the same into execution, shall discontinue all proceedings in virtue thereof, but the costs incurred relative to the appointment of the said trustees, and those by the latter lawfully incurred, shall be levied on the proprietors of lands possessed by persons professing the Catholic faith, in the proportion of the value of their said lands, established in the valuation roll made for municipal purposes, and shall be collected by the resigning trustees.

Resignation of trustees.

2. It shall be always lawful for each of the trustees to resign his office, provided it be with the consent of the bishop; and in such case the person resigning, shall be replaced in the manner specified by sections 16, 17 and 18, of chapter 18 of the consolidated statutes for Lower Canada.

Recourse of the *Fabrique* after the rendering of assets by the trustees.

3. Section 39 of the said act is amended by adding at the end thereof the following words: "and from and after such rendering of account by the said trustees, the *curé* and church-wardens of the *Fabrique* of the parish or the administering *curé* or missionary and church-wardens, or the trustees managing the temporal affairs of the church of the mission, as the case may be, shall have and exercise the same powers and have the same recourse against the builders, contractors or undertakers, and against their sureties, as the said trustees themselves had while in office."

Annexation of territory to the parish of Patronage St. Joseph.

4. The following territory, situate in the district of Terrebonne, and diocese of Montreal, shall be detached from the mission of the Lake of Two Mountains, and shall be annexed to the parish of Patronage St. Joseph, for all civil purposes, that is to say: all the territory bounded, on the south by the river Ottawa; to the north, by the *trait-quarré* of the lands of Côte St. Jean; to the east, partly by the *trait-quarré* of the lands of the Côte Sud de St. Joseph, and partly by the land of François Dumoulin; and to the west by the *trait-quarré* of the lands of Côte Ste. Sophie, continued to the north, across the *domaine*, to the *trait-*

quarré of the lands of the Côte St. Jean, and towards the south, by the same *trail-quarré* of the lands of Côte Ste. Sophie aforesaid, continued to the said Ottawa river, forming a territory of irregular shape, about ninety arpents in front, by about one hundred and fifty in depth, as described in the canonical decree of His Lordship the Bishop of Montreal, bearing date the twenty-sixth day of August, eighteen hundred and seventy-four.

CAP. XXIX.

An Act to amend Chapter 18 of the Consolidated Statutes for Lower Canada.

[Assented to 23rd February, 1875.]

WHEREAS the civil erection, under chapter 18 of the Preamble. Consolidated Statutes for Lower Canada, of the parishes hereinafter designated, which are situated partly in the city of Montreal, and partly in the county of Hochelaga, would have the effect of establishing new municipalities, in a territory already organized for municipal purposes; and whereas it is not advisable that the civil erection of such parishes should produce such effect; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The parishes hereinafter described, erected exclusively for religious purposes by ecclesiastical authority, with the limits and boundaries assigned to them by the canonical decrees in relation thereto, are declared to be and are recognized as catholic parishes, as amply and with the same effect as if they had been recognized, erected and ratified for all civil purposes under chapter 18 of the consolidated statutes for Lower Canada, save in and so far as is prescribed by section two of this act: Erection of certain catholic parishes.

"1. The parish of Saint-Henri, erected by decree of Saint-Henri. Monseigneur Ignace Bourget, Roman Catholic Bishop of Montreal, bearing date the second of July, 1867, amended and published in 1874, including the villages Delisle, Saint-Augustin and Saint-Henri of Côte Saint-Paul, the Saint-Gabriel farm, and part of the Côte Saint-Paul, and of the river Saint-Pierre, and bounded, to the south, by the river St. Lawrence; to the east, by the present boundary of the city of Montreal; to the north, partly by the south side of the by-road of the Côte Saint Antoine (included); extending towards the west, to the land of one Joseph Décari, (excluded); from thence, to the south and west, by a line

passing through the extremity of Côteau Saint-Pierre, to the boundaries of the parish of Lachine; to the west, by the said parish of Lachine.

Nativité de la Ste. Vierge.

"2. The parish of the *la Nativité de la Sainte-Vierge*, erected by decree of the same Bishop, bearing date the tenth of September, 1867, amended and published in 1874, bounded, on the south, by the river St. Lawrence; to the west, by the centre of a proposed street, bearing the name of Richardson street, forming the boundary of the city of Montreal towards the current Sainte-Marie, the prolongation of which line extends to the *Trait-quarré* of the lands of the *Côte de la Visitation*; to the north, by the said *Trait-quarré*, to the parish of Longue-Pointe; and to the east, by the said parish of Longue-Pointe.

St. Vincent de Paul.

"3. The parish of Saint Vincent-de-Paul, erected by decree of the same Bishop, dated the tenth of September, 1867 amended and published in 1874, bounded, towards the south, by the river St. Lawrence; towards the west, by the centre of Colbourne Avenue, prolonged to the *Trait-quarré* of the lands of the *Côte de la Visitation*; to the north, by the said *Trait-quarré* to the centre of a projected street, called Richardson, forming the limits of the city of Montreal; and to the east, by the centre of the said Richardson street, prolonged to the river St. Lawrence.

Sto. Brigide.

"4. The parish of Ste. Brigide, erected by decree of the same Bishop, dated the seventh of December, 1867, amended and published in 1874, bounded, towards the north, by the parish of the *Saint-Enfant Jésus*, of the Côteau Saint Louis; towards the east, by the parish of Saint Vincent-de-Paul; towards the south, by the river Saint Lawrence; towards the west, by the centre of Grant street, to the centre of Sainte Marie street, then following the centre of Sainte Marie street to the centre of Amherst street, which line continues to the parish of the *Saint-Enfant Jésus*, of Côteau Saint Louis.

St. Enfant Jésus.

"5. The parish of the *Saint-Enfant Jésus*, erected by decree of the same Bishop, dated the twelfth of March, 1867, amended and published in 1874, comprising the villages of Saint Jean-Baptiste and Mile End, the Côte Sainte-Catherine, the Tanneries des Belairs, the Côte Visitation, and a part of the Papineau road, and bounded, towards the south-west, by the Côte des Neiges; to the south-east, by the limits of the city of Montreal, to the Papineau road; from thence ascending towards the north to the aforesaid Côte Visitation, included; finally, towards the north-east, and to the north-west, by the parish of Longue-Pointe, and by that of Sault-au-Récollet."

Limits of municipalities continued.

"2. Nothing in this act shall have the effect of modifying in any manner the limits of the city of Montreal, and of the

several other municipalities in which such parishes are situated.

Such municipalities shall continue to exist with their limits and extent as if this act had not been passed.

3. Each parish thus recognized is so recognized subject to the provisions contained in the decree of erection relating to it, as amended by the Holy See and published in 1874 in such parish.

Decrees amended by Our Holy Father the Pope are binding.

4. The meetings for the election of church-wardens, for the rendering of accounts and for all purposes requiring general parish meeting, in these parishes, shall consist of the old and of the new church-wardens and of the persons elected in compliance with the ordinance of the Bishop to form the board or body of the *Fabrique*.

Parish meeting in these five parishes.

5. And whereas the decree of election of the parish of Notre-Dame de Grâce, as amended and published in 1874, declares that the Roman catholic cemetery at the Côte des Neiges, including the farm of William Tate, which adjoins it, is detached from the said parish of Notre-Dame de Grâce in order to be annexed to the parish of Montreal, the present limits of which are described in the declaratory decree of the 26th May, 1873, published in 1874.

Annexation of the catholic cemetery of La Côte des Neiges, to Notre-Dame de Grâce, for religious and fabrique purposes.

From and after the coming into force of this act, the said cemetery of the Côte des Neiges, including the farm of William Tate, is recognized detached from the said parish of Notre-Dame de Grâce and annexed for all religious and *fabrique* purposes, to the parish of Notre-Dame of Montreal as described and its boundaries fixed in the said decree of the 26th May, 1873.

C A P . X X X .

An Act to amend the Act to incorporate the Congregation of the Catholics of Quebec speaking the English language.

[Assented to 23rd February, 1875.]

WHEREAS the congregation of the catholics of Quebec speaking the English language have, in their own interest and in furtherance of religion, prayed for certain amendments to their Act of incorporation herein above cited; and whereas it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

Committee of
management
dissolved.

1. The committee of management, mentioned in the said act, is hereby dissolved, and all the rights, powers and privileges, heretofore claimed or exercised by them, are hereby revoked.

Members of
said congrega-
tion.

2. The said congregation shall consist and be composed of all the holders of pews in the said church, together with the heads of families, speaking the English language, professing the Roman Catholic faith, frequenting the said church, and paying their dues thereto.

Its general
powers and
authority.

3. The said congregation so defined in this Act under the title of the Act amended, to wit: "the Congregation of the Catholics of Quebec speaking the English language," shall be and they are hereby constituted a body politic and corporate, and shall, under the above corporate name, have perpetual succession and a common seal, and by that name shall and may sue and be sued, and may hold personal property, and shall have all other powers vested in corporate bodies under the interpretation Act, and shall have full power and authority to possess, hold, enjoy and use the real property thereby and hereinafter vested in the said corporation, and to take and accept by purchase, gift, devise, or other title, and to hold, use and enjoy such other real property as may be required for the actual use and occupation of the said congregation, and such additional real property as may be required for purposes of revenue or otherwise, and to make, ordain, establish and put in execution such by-laws, rules, ordinances and regulations, (not contrary to the law or the provisions of this Act, or to the constitution, canons, rules and ordinances of the Roman Catholic Church) as to the said corporation may appear necessary or expedient, to the interest thereof, and to alter, amend or repeal such by-laws, rules, ordinances or regulations, or any thereof, whenever it may appear to them expedient for the interest of the said corporation so to do.

Rights of the
Holy Roman
Catholic
Church reserv-
ed.

Transfer of the
rights and
obligations of
the committee
of management
to the corpora-
tion.

4. All the property, real and personal, now held by the said committee of management or any member or members thereof, or by any other person or persons in trust to or for the use or benefit of the said congregation of the Catholics of Quebec speaking the English language, shall be and are hereby transferred to and vested in the corporation as defined by this Act, subject to the conditions and liabilities mentioned in the various deeds referred to in the said Act now repealed; and the said corporation shall be liable for all debts, claims and demands lawfully incurred by and existing against any person or persons for and on behalf of the said congregation incorporated under the said Act and under this Act, nor shall any hypothec, lien, or other privi-

lege, or security upon any property thereby or hereby vested in the said corporation, or any right whatever of any third party whatsoever, be impaired or affected by the transfer of the said property from the person or persons now holding the same, to the said corporation.

5. The ownership of all the property, real and personal, which, by the act amended, was intended to be secured for the use, benefit and advantage of the congregation of the Catholics of Quebec speaking the English language, or which has accrued to their like use, benefit and advantage, or which may hereafter be acquired for their use, benefit and advantage, shall be vested in a trust to consist of five members of the said congregation, to be elected every three years, such trustees to hold office during the said term of three years, or until their successors are elected; and in the event of any vacancy occurring amongst them by death, resignation or otherwise, during the said term, no election shall take place to fill such vacancy or vacancies, until the expiration of the said term of three years, so long as three members of the said trust shall remain in office. Trust to be composed of five members.

The said trustees shall be chosen as follows:—The pastor of St. Patrick's church shall submit to the congregation the names of twenty-five members thereof, and the congregation shall select, from the parties so proposed, five to be such trustees. Elections

The first election shall take place on the fourth Sunday after the passing of this act, and the subsequent general elections shall be held on the second Sunday, in the month of January, eighteen hundred and seventy-eight, and on the same Sunday of every third following year; and any elections to fill any extraordinary vacancy therein shall be held on the Sunday to be fixed by the pastor of St. Patrick's church, or, if none be fixed, upon the last Sunday falling within the three weeks from the date of such vacancy occurring. Such elections cannot take place earlier than on the Sunday following the announcement thereof. Time of elections.

6. The full and entire management, control and administration of the said property, and of its improvements, and of all the rents, revenues, issues and profits thereof, and of all such sums of money, as are now or may hereafter become due, and owing to the said congregation of the Catholics of Quebec speaking the English language, shall be and are hereby vested in the reverend Fathers of the Congregation of the Most Holy Redeemer, during the period the said reverend Fathers shall have the care of the souls of the said congregation of St. Patrick's Church, subject to the supervision of the roman catholic Archbishop of Quebec, or the person adminis- Management vested in the Revd. Fathers of the M. H. Redcemer.

Rights of the
roman catholic
Bishop re-
served.

Accounts to be
rendered.

Access to the
books.

Powers of
trustees.

Approval re-
quired.

Case of the
Rev. Fathers
resigning.

Rights of the
roman catholic
Archbishop
preserved.

Repeal.

tering the Archdiocese, and all the powers heretofore vested in the said committee of management, and by them exercised, (saving and excepting only such as are hereby expressly reserved to the roman catholic Archbishop of Quebec, or the person administering the Archdiocese, or to the trustees, as hereinabove stated,) shall be and the same are hereby vested in the said reverend Fathers, who shall render yearly returns of their gestion and administration, and shall have the accounts thereof audited by the said trustees, whose duty it shall be to audit the same.

The said trustees shall, at all times, have access to the books and accounts relating to the said gestion or administration.

7. The trustees, created under this act, shall hold the said above mentioned property, real and personal, for the sole use, benefit and advantage of the said congregation, and they shall have no power to sell, transfer, alienate, make over, or convey the said property, or to mortgage, or hypothecate the same, or any portion thereof, without the consent of the congregation first had and obtained, and upon the approval of the reverend Fathers, and also with the sanction of the roman catholic Archbishop of Quebec, or the person administering the Archdiocese.

8. Upon the departure of the said reverend Fathers, or in the event of their resigning the care of the souls of the said congregation, all the rights vested in them under this act, shall revert to the said congregation, who are hereby empowered in that case to make, (subject to the approval of the roman catholic Archbishop of Quebec, or of the person administering the Archdiocese,) with the pastor or priests by him appointed to have the care of the souls of the said congregation, such arrangements respecting the administration of the said temporal affairs as to the congregation may seem expedient, or to transfer to the said pastor or priests of the said St. Patrick's Church, the powers vested by this act in the said Fathers of the Congregation of the Most Holy Redeemer.

9. Nothing in this act shall effect; diminish, or impair, in any manner, any of the rights and privileges heretofore belonging to the roman catholic Archbishop of Quebec, or the person administering the archdiocese, but they and each of them shall remain and have the same force, vigor and effect as they have always had, and as fully as the same were acknowledged in the act hereby amended.

10. Any clause, provision or enactment, contained in the Act hereby amended, which may be contrary to, or incon-

sistent with any clause, provision or enactment contained in this present act, is hereby repealed.

11. This Act shall come into force the day of its sanction. Coming into force of this Act.

C A P . X X X I .

An Act to annex a part of the Township of Broughton to the Parish of Saint Victor de Tring.

[Assented to 23rd February, 1875.]

CONSIDERING that by decree, bearing date the nine- Preamble.
teenth day of November, eighteen hundred and seventy-two, it has pleased the Right Reverend Elzéar Alexandre Taschereau, Archbishop of Quebec, to annex. for religious purposes, to the parish of Saint Victor de Tring, county and district of Beauce, a certain part of the township of Broughton, in the said county and district; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. From the coming into force of this act, the said part of the township of Broughton, thus annexed by religious Annexation of territory to the parish of St. Victor de Tring. authority to the said parish of St. Victor de Tring, shall be recognized as forming part of the said parish for all civil purposes whatsoever, and in as complete a manner as if it had been annexed to the said parish of St. Victor, under chapter 18 of the Consolidated Statutes of Lower Canada.

2. The said part of the township of Broughton comprises Limits. an extent of territory of about one mile in front, by about three miles in depth, bounded as follows, to wit: towards the north-east by the first range of the said township of Broughton; towards the south-east by the said parish of St. Victor de Tring; towards the south-west by the line of separation between the third and fourth ranges of the said township of Broughton; towards the north-west partly by the line which separates the property of Sieur Olivier Lessard from that of Sieur Joseph Roy, in the said third range, and partly by the line which separates the property of Sieur Isidore Lessard, from that of Sieur Joseph Vachon, in the second range in the same township.

CAP. XXXII.

An Act to annex Vaudry Island, on the River *L'Assomption*, to the Parish of St. Paul l'Ermite:

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS there exists, at the mouth of the river *l'Assomption*, a small island called "Isle Vaudry," containing seven arpents without buildings, and forming part of the parish and municipality of Repentigny, county of *l'Assomption*; that this island is connected with the parish of St. Paul l'Ermite, by a bridge of about ninety feet long, and is separated from the parish of Repentigny by the river *l'Assomption*, about three hundred and fifty feet wide at this point, for which reason it is expedient to annex that island to the parish of St. Paul l'Ermite; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Annexation of
"Isle Vaudry,"
to the muni. of
St. Paul l'Ermite.

1. The island called "Isle Vaudry," situated at the mouth of the river *l'Assomption*, is detached from the municipality of the parish of Repentigny, in the county of *l'Assomption*, and is annexed to the municipality of the parish of St. Paul l'Ermite, in the same county, for municipal and school purposes.

CAP. XXXIII.

An Act to amend chapter nineteen of the Consolidated Statutes for Lower Canada, respecting Lands held by Religious Congregations.

[Assented to 23rd February, 1875.]

Preamble

WHEREAS by an ordinance of the legislature of Lower Canada, passed in the second year of Her Majesty's reign, chapter 26, and which has been since embodied in the consolidated statutes for Lower Canada, in chapter 19 thereof, congregations or societies of christians of any denomination whatsoever in Lower Canada, are enabled to hold land for the purposes, and under the limitations therein specified, provided certain formalities therein detailed are complied with, among which it is required that the deed of acquisition of such land, together with a description and measurement thereof, made by a sworn surveyor, be registered in the office of the prothonotary of the district where the land is situate, within a delay of two

years; and whereas, in many cases, such registration has been omitted, and it is expedient to provide a remedy for such omission; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Every parish, mission, congregation or society of christians, of any denomination whatsoever, which has so acquired lands, under the authority of the ordinance hereinabove mentioned or chap. 19 of Consolidated Statutes for Lower Canada but omitted to register the deeds of acquisition, and the description, as required by such ordinance or statute, may cause such deeds of acquisition, together with the description of the lands acquired and held under such contracts, drawn up by a sworn provincial land surveyor, to be registered in the office of the prothonotary of the superior court for the district within which such lands are situate, within the two years next after the passing of this act.

Registration of deeds in the office of the prothonotary within two years.

2. Such registration, when so made, shall have the same effect and avail as if it had been made within the period limited by the ordonnance hereinabove mentioned, or chapter nineteen of the consolidated statutes for Lower Canada.

Effect of such registration.

3. Every such parish, mission, congregation and society of christians, which shall comply with the provisions of this act, shall be thereby indemnified from all consequences arising from or in any way connected with such omission.

Remedy to such omission

4. This act shall not affect pending cases.

Pending cases.

CAP. XXXIV.

An Act for the better regulation of Burials.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. In every burial in any church, the coffin shall be covered by at least four feet of earth, or encased in masonry of at least eighteen inches in thickness, if in stone, or of at least twelve inches in thickness, if in brick; both brick and stone having been well drowned in mortar.

Burials in churches.

2. In every burial in a church, the use of disinfectants in the coffin, shall be required.

Disinfectants required.

Idem.

3. In all cases of death from small pox, asiatic cholera or epidemic typhus, the use of disinfectants in the coffin shall be also required.

Conveyance of
bodies prohibi-
ted.

4. The body of no person who has died from any of the diseases mentioned in the preceding section, shall be conveyed from one parish to another, unless it be enclosed in a metallic coffin hermetically sealed, and filled with disinfectants.

Separate
graves.

5. The bodies of all persons who have died of any of the diseases specified in section 8 of this act, shall be laid in separate graves, and covered with at least four feet of earth, and shall not be deposited in any vault, or buried in any church.

Mode of
preventing
bodies from
being brought
into churches.

6. When typhus, asiatic cholera, or small pox are epidemic, it shall be lawful for the mayor of any local municipality, and for any justice of the peace resident therein, after having obtained for such purpose, the written consent of the local or diocesan ecclesiastical authority, to prohibit by proclamation, the bodies of persons who have died from any of these diseases, from being brought into churches under the control of such ecclesiastical authority, and situate within the municipality, during a fixed period specified in the proclamation.

While such prohibition is in force, the bodies of persons, who have died of such diseases shall be conveyed directly, from the house to the place of burial.

Rights of the
ecclesiastical
authority.

7. In the absence of such proclamation, the local or diocesan ecclesiastical authority may, at any time, forbid the bringing of corpses, into churches, under the control of such ecclesiastical authority, when it deems that the bringing of such corpses into churches, may be prejudicial to the public health.

Clothes of sick
persons.

8. Any person having in his possession or custody any clothes or linen, used by any one attacked by small pox, asiatic cholera, or epidemic typhus, shall without delay burn the same, or disinfect them by burying them in dried earth or by means of other disinfectants.

List of disin-
fectants.

9. The disinfectants required by this act are quick lime, sulphate of iron, dried earth, peat, carbolic acid, charcoal of pulverized wood, and any other preparation or thing deemed sufficient by competent persons.

Their use.

10. The use of the disinfectants prescribed by this act for corpses, consists in placing the same at the bottom of the

coffin, and in covering the body therewith after it has been placed in the coffin.

11. Any persons committing any infraction, or contri-^{Penalty.} buting to the commission of any infraction of any of the provisions of this act, shall incur a penalty not exceeding three hundred dollars, which shall be recoverable with costs, within the ensuing six months, by the corporation of the local municipality, or by any person, who shall sue for the amount thereof, before two justices of the peace, or before any other competent court of civil jurisdiction.

12. The lieutenant-governor may, by proclamation de-^{Other diseases declared epidemic.} clare, that the nine preceding sections shall apply throughout the whole province or in certain localities only, to any other disease, which he shall mention in such proclamation, and which, according to the report of competent persons, he shall deem to possess a dangerous and epidemic character.

From and after the issue of such proclamation, or of the day therein fixed therefor, the nine preceding sections of this act, shall in so far as respects the bodies of persons who have died of such disease, or the clothing of such, as have been attacked thereby, have the same force and effect, as if such disease had been expressly specified in each of such nine sections.

13. When any disease is epidemic in any local muni-<sup>Medical in-
spector of the
death.</sup> cipality, the council of such municipality may appoint one or more physicians as medical inspectors, to establish the death of any person who shall have died of such disease.

Notice shall be given of the appointment of such medical<sup>Notice of the
appointment.</sup> inspectors in the municipality, in the same manner as notices respecting the ordinary affairs of the municipality.

After such notice, the burial of any person who has died of such disease in the municipality, shall not be performed before the expiration of the usual delay of twenty-four hours, without the order of the medical inspector, or of one of them, if there be more than one, under pain of the penalty imposed by section 1 of chapter 21, of the Consolidated Statutes for Lower Canada.

14. In the absence of a medical inspector appointed by the council, when a disease is epidemic, the order for the<sup>Case where
there is no
medical in-
spector.</sup> burial of persons who have died of such diseases, before the expiration of the delay of twenty-four hours, may be given by the *curé* or officiating minister of such persons and any municipal councillor, or by two municipal councillors.

Continuation
to bury in
cemeteries,
prohibited.

15. The superior or diocesan ecclesiastical authority may, whenever it may deem the same desirable, in the interests of decency or of the public health, prohibit burials in any cemetery under its control, under the penalty imposed by section 11 of this act.

Interpretation. **16.** The term "local municipality" employed in this act, means, in addition to the local municipalities existing under the authority of the municipal code, the municipality of any city or town incorporated by special act.

Coming into
force.

17. This act shall come into force on the day of the sanction thereof.

C A P . X X X V .

An Act to amend Chapter 71 of the Consolidated Statutes for Lower Canada, respecting the Medical Profession and the sale of Drugs.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

C. S. L. C., c.
71, s. 6
amended.

1. Section 6 of chapter 71 of the Consolidated Statutes for Lower Canada is amended, by substituting for the words "two credible witnesses," the words "one credible witness."

C A P . X X X V I .

An Act to amend Chapter 76 of the Consolidated Statutes of Canada, respecting the practice of Physic and Surgery, and the study of Anatomy, in so far as it refers to the appointment of an Inspector of Anatomy.

[Assented to 23rd February, 1875.]

C. S. C., c. 76,
s. 4 amended
and replaced.

1. The fourth section of chapter seventy-six of the Consolidated Statutes of Canada is repealed, and the following substituted therefor :

"4. The lieutenant-governor may appoint, during pleasure, a person, not being a medical practitioner, and unconnected with any public or private school of medicine, to be the inspector of anatomy, for each city, town or place, in which there is any public institution or medical school as aforesaid."

CAP. XXXVII.

An Act to amend the Act of incorporation of the Pharmaceutical Association of the Province of Quebec, and to Regulate the Sale of Poisons.

[Assented to 23rd February, 1875.]

WHEREAS it is expedient for the safety of the public Preamble.
that all persons engaged in the sale of drugs and poisons, and the dispensing of medicines, should possess a competent, practical knowledge of chemistry, and other branches of useful knowledge; and whereas certain persons desirous of advancing chemistry and pharmacy, and of promoting a uniform system of educating those who should practice the same, formed themselves into a society called the "Pharmaceutical Association of the Province of Quebec," which said society, was, in the year of our Lord one thousand eight hundred and seventy incorporated by Her Majesty, by and with the advice of the legislature of Quebec; and whereas for the purposes of extending the benefits which have already resulted from the said Act of incorporation, it is desirable that additional powers be granted for regulating the qualifications of persons who may carry on the business of pharmaceutical chemists, or chemists and druggists, and for the regulation of the sale of poisons, and for other purposes connected with pharmacy; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said act of incorporation granted to the said association, and known as "The Pharmaceutical Association Act of 1870," save and except such part or parts thereof as are hereby altered, varied or repealed, shall be, and the same are hereby confirmed and declared to be, in full force and virtue, and shall be as good and effectual, to all intents and purposes as if this act had not been passed. Act 34 V., c. 52 confirmed.

2. The council of the said pharmaceutical association, shall be, and the same are hereby authorized and empowered to alter and amend the by-laws of the said association made and established under or in pursuance of the said act of incorporation, and to make or establish such new or additional by-laws as they shall deem proper or necessary for the purposes contemplated by the said act of incorporation or by this act. Powers of the council. By-laws.

3. All persons in business on their own account as dispensing chemists or apothecaries prior to the passing of this act, shall be entitled to be placed upon the register and to be certified as licentiates in pharmacy. Persons already in business, to be entered in the register.

Clerks of five years.

4. All clerks who have been not less than five years in the trade shall, after satisfactory examination before the board of examiners of the association, be entitled to be placed on the register as "certified clerks."

Study and examination required.

5. All clerks and apprentices who have not been five years in the trade, shall go through the required curriculum of study and pass the examinations before they can be registered as "certified clerks."

Certificate, and preliminary examination.

6. Every youth, before he is taken as apprentice by a licentiate of pharmacy, shall produce satisfactory evidence of a good moral character, and pass a preliminary examination in the English, French and Latin languages, and arithmetic, after which he shall be registered as a "certified apprentice."

Minor examination.

7. In addition to the preliminary examination for apprentices, there shall be two other examinations. The first, to be called the "minor examination," shall be passed by all certified apprentices before they can take the position and become qualified as "certified clerks."

The candidate shall be examined in the translation and dispensing of prescriptions, pharmacy, chemistry, especially the chemistry of poisons, posology, and materia medica.

After passing this examination the candidate shall be registered as a "certified clerk."

Major examination.

8. The second examination shall be called the "major examination," and shall embrace the same subjects as the "minor examination," but a knowledge of botany, and a more extended knowledge of materia medica and pharmaceutical chemistry will be required. The candidate must also produce evidence that he has served at least four years in a drug store, and has attended two courses of lectures on chemistry, two courses on materia medica, and one course on botany.

After passing this examination and producing the required certificates, the candidate shall be registered as a "licentiate of pharmacy."

Regulations respecting examinations.

9. All the examinations referred to in the previous clauses—viz., the preliminary examination, the minor examination, and the major examination—shall take place and be regulated by such rules and regulations as may be in force at the time such examinations are held, and all candidates for any of the said examinations shall pay such fees as may be imposed by any such rules or by-laws.

Decisions of the council.

10. The council of the said corporation for the time being, by themselves or such other competent persons as

they shall think fit to appoint, shall examine and decide upon the admission of licentiates, certified clerks and certified apprentices of the said corporation, and grant such certificates or diplomas as they shall think proper to the persons whom they shall deem qualified to be such licentiates, certified clerks, or certified apprentices respectively.

11. The board of examiners for the time being shall dispense with the examinations herein provided for, and shall accept, in lieu thereof, authenticated certificates of examination by duly appointed medical or pharmaceutical boards, accompanied by certificates of good moral character, and subject to such other regulations as may be imposed by by-law. Examinations dispensed with, when certificates are presented.

12. The registrar shall from time to time make out and maintain registers of: 1st, licentiates in pharmacy; 2nd, certified clerks; and, 3rd, certified apprentices respectively; and shall grant, on application, certificates of such registration on payment of such fee as may be fixed by by-law; and the said registrar shall make new registers for each year, and omit therefrom the names of persons deceased or transferred from one register to another. Yearly registers.

13. Members of the association shall pay the following fees, namely: every licentiate of pharmacy shall every year pay to the association a fee or subscription not exceeding ten dollars per annum, every certified clerk shall pay to the association an annual fee not exceeding five dollars, and every certified apprentice shall pay an annual fee not exceeding two dollars. Such fees shall be due on the first day of May in every year, and any licentiate, clerk or apprentice not paying such fee before the first day of July in every year, shall be removed from the register, and lose the privileges conferred on him by this act, but he shall be restored to all his former privileges by the council of the association on payment of a fine not exceeding five dollars, if paid before the first of the following October. Fees to be paid by members. When due. Default.

14. The annual general meeting of the association shall be held alternately in the cities of Montreal and Quebec, on the second Tuesday in the month of June in each year, or such other day near thereto as shall be determined by the council. Date and place of the annual meeting.

15. On and after the first day of May, 1875, it shall be unlawful for any person to keep open any store for the retailing, dispensing, or compounding of the poisons enumerated in schedule A, or to sell or dispense the said enumerated poisons, or to engage in the dispensing of prescriptions, or The sale of drugs, unless by registered persons, as required, prohibited.

to assume or use the title chemist and druggist, or chemist or druggist, apothecary or pharmacist, or pharmacist or dispensing chemist, within this province, unless he be registered in accordance with the provisions of this act as licentiate in pharmacy, or be a registered member or licentiate physician of the college of physicians and surgeons of the province of Quebec; and it shall be unlawful for any such druggist, chemist, pharmacist, or pharmacist to employ any clerk or apprentice in any shop or store for the sale of such poisons, or in the dispensing of medicines, except such clerk or apprentice be registered as required by this act.

Penalty. **16.** Any person offending against the provisions of the preceding section, shall incur a penalty for every such offence not exceeding fifty dollars, to be recovered before any magistrate, together with costs.

False declaration of inscription. **17.** If any person shall falsely represent by any name, title, or description, that he is registered under this Act, or falsely represent the class or grade of his registration, or engage himself as a certified clerk, not being registered as such, or as a certified apprentice, not being registered as such, he shall, upon conviction before a magistrate, be liable to a fine for every such offence not exceeding twenty-five dollars, together with costs.

Penalty.

Sale of poisons. **18.** It shall be unlawful to keep or sell any of the poisons named in schedule A, unless the box, bottle, vessel, wrapper, or cover in which such poison is contained, be distinctly labelled on black label with the name of the article and the word "poison," and with the name and address of the seller of the poison. And it shall be unlawful to sell any such poison to any person unknown to the seller, unless introduced by some person known to the seller; and on every sale of such article the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose, stating in the form set forth in schedule B to this Act, the date of the sale the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser, and of the person, if any, who introduced him, shall be affixed; and any person selling such poison otherwise than is herein provided, shall, upon conviction before a magistrate, be liable to a penalty not exceeding twenty-five dollars, and for the purpose of this section the proprietor on whose behalf any sale is made by any apprentice or servant, shall be deemed to be the seller.

Black label.

Buyer must be known or introduced.

Entry.

Penalty.

19. Persons offending against sections 13, 15, 16, 17 or 18 Prosecution. of the present act may be proceeded against either by the pharmaceutical association of the province of Quebec, or any person of the said province.

20. The several articles named or described in schedule List of poisons A, shall be poisons within the meaning of this act, and the council of the said corporation may, from time to time, by by-law, and with the concurrence and approval of the board of governors of the college of physicians and surgeons, declare that any article named in such by-law be deemed a poison within the meaning of this act, and it shall New poison. then be added to and become part of schedule A, and such addition shall be advertised in the *Quebec Official Gazette*.

21. All penalties imposed by this Act shall be recoverable Recovery of fines. with costs on the oath of any one credible witness before any recorder or justice of the peace, for the district in which the offence is committed, and said penalty and costs in default of immediate payment shall be enforced by distress; and in default of sufficient distress, the defendant shall be liable to be imprisoned in the common gaol of the district, for a period not exceeding ninety days, unless such penalty and costs be sooner paid; and no person competent to be a witness in any suit or prosecution in which the corporation may be engaged, shall be deemed incompetent by reason of his being a member or officer of the said corporation.

22. All penalties imposed under this act shall belong to To whom they belong. and be payable to the said corporation, and shall be applied for the general purposes of this act.

23. The act passed in the session of parliament of 27-28 V. c. 51 repealed. the heretofore province of Canada, held in the 27th and 28th years of Her Majesty's reign, chapter 51, is hereby repealed, and section 16 of chapter 71 of the consolidated statutes for Lower Canada thereby repealed, shall not revive, but shall be considered as repealed, notwithstanding the repeal of the said act.

24. Nothing in this act shall interfere with the privileges Privileges of physicians and surgeons, reserved. conferred upon physicians and surgeons by the various acts relating to the practice of medicine and surgery in this province, nor with the business of wholesale dealers in drugs in the ordinary course of wholesale dealing, nor with chemical manufacturers, nor with duly licensed veterinary surgeons.

25. This act may be cited as "The Quebec Pharmacy Act Title. of 1875."

SCHEDULE A.

Arsenic and its preparations.
 Prussic Acid.
 Emetic Tartar.
 Cyanide of Potassium and all Metallic Cyanides.
 Aconite and its preparations.
 Opium and its preparations, except Paregoric and Syrup
 of Poppies.
 Essential Oil of Almonds unless deprived of Prussic Acid.
 Corrosive Sublimate.
 Cantharides.
 Savin and its Oil.
 Ergot of Rye and its preparations.
 Strychnine and all poisonous vegetable Alkaloids and
 their Salts.

SCHEDULE B.

DATE.	Name of Purchaser.	Address of Purchaser.	Name and Quantity of Poison sold.	Purpose for which Poison is required.	Signature of Pur- chaser.	Signature of Person introducing Pur- chaser.

CAP. XXXVIII.

An Act to amend Chapter 68 of the Consolidated Statutes for Lower Canada, respecting Mutual Assurance Companies.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Section 7 chapter 68 of the consolidated statutes for C. S. L. C. c. Lower Canada, is amended, by adding thereto the following ^{68, amended.} sub-section :

"5. If the annual election has not been held on the first ^{Annual elec-} Monday of October, it may be held on any subsequent day ^{tion.} fixed for that end, by notice given in the usual way by the president or secretary; and in such case, the directors in office shall continue to act as such, until their successors are appointed."

2. Mutual assurance companies constituted under chap- ^{Elections not} ter 68 of the consolidated statutes for Lower Canada, which ^{already held} have not elected directors as prescribed by section 7 of ^{may be made.} such chapter, may do so after the coming into force of this act, in accordance with the preceding provision.

3. This act shall come into force on the day of its sanc- ^{Coming into} tion. ^{force of this} ^{act.}

C A P . X X X I X .

An Act to amend "The Joint Stock Companies Incorporation Act."

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section 2 of "The Joint Stock Companies Incorporation Act" 31 Vict., ch. 25, is amended, by adding thereto ^{31 V., c. 25, s. 2, amended.} the following paragraphs :

"13. The construction, or completion of works of any kind on any railway, as contractors, and the carrying on of any matter concerning such works, for any company authorized to build such railway."

"14. The establishment of co-operative stores for the purchase and sale of goods, wares and merchandise."

2. It shall not be necessary that an order in council be ^{Order in coun-} passed for granting any charter under the authority of the ^{cil not re-} above mentioned act, but the lieutenant-governor may ^{quired.} grant any charter upon a favorable report from the attorney-general or the solicitor-general of this province."

3. This act shall come into force on the day of the sanc- ^{Coming into} tion thereof. ^{force of this} ^{act.}

C A P . X L .

An Act to further amend The Quebec Railway Act, 1869, (32 V., c. 51.)

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

32 V., c. 51, s. 11, amended.

1. Section 11 of "The Quebec Railway Act, 1869," 32 Vict., ch. 51, is amended by substituting for the words "at farm crossings," in the seventh line, the following words, "and farm crossings."

By whom farm crossings are made and maintained.

2. Farm crossings shall be made and maintained by the company, upon the application of any owner of land, present or future, on each such land.

S. 14 amended.

Meetings convened.

3. Paragraph five of section 14, of the same act is amended, by adding to it the following words; "However if the number of shareholders does not exceed fifty, and if they all reside within the Dominion, such meetings, besides the manner prescribed by special act, may be convened by a registered letter, postage paid, and deposited in the post office, at least fifteen days before that of the meeting."

Interpretation.

4. The provisions of this act shall form part of "the Quebec Railway Act, 1869," and shall apply to all railway companies already in operation, and to which the act amended by the present act applies.

C A P . X L I .

An Act to further amend The Quebec Railway Act, 32 Vict., chap. 51, and for other purposes.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

32 V., c. 51, s. 18, amended.

1. The eighteenth section of the act of this province, 32 Vict., chap. 51, is amended by adding to sub-section two, the following words, "but when in a parish comprising a parish municipality and a village municipality, the councils

of both municipalities shall have agreed as to the sub-United sub-
 scription of shares to a railway company, which entitles to a scription of
 representation on the board of direction of such company, the a village and
 mayor of each such two municipalities shall alternately be of a parish.
 a director *ex-officio* in such company, each for one year,
 commencing and changing on the first of January of each
 year, and to be commenced by the mayor of the parish mu-
 nicipality; provided that the amount of stock or shares Proviso :
 thus owned by each of the two municipalities, be at least
 ten thousand dollars."

2. Any such director shall have the same rights as direc- Rights of the
 tors of municipalities which have subscribed to twenty thou- director.
 sand dollars of shares.

C A P . X L I I .

An Act to amend the Act 35th Vict., Cap. 27, intituled :
 "An Act to incorporate the Point Levis and Indian
 Cove Junction Railway Company."

[Assented to 23rd February, 1875.]

WHEREAS the Point Levis and Indian Cove Junction Preamble.
 Railway Company has petitioned the legislature, for
 an amendment to its act of incorporation, and whereas it is
 expedient to grant the prayer of the said petition; There-
 fore, Her Majesty, by and with the advice and consent of
 the Legislature of Quebec, enacts as follows :

1. Section sixteen of the act of this province, thirty-fifth 35 V., c. 27, s.
 Victoria, chapter twenty-seven, is repealed. 16, repealed.,

2. The powers conferred by the said act thirty-fifth Vic- Powers con-
 toria, chapter twenty-seven, upon the "Point Levis and ferred by act
 Indian Cove Junction Railway Company" are hereby con- 35 V., c. 27,
 tinued, and will only cease, if the works of the said com- continued.
 pany are not commenced within three years from the pass-
 ing of this act, or if they are not finished and put in opera-
 tion within six years from the passing of this act.

CAP. XLIII.

An Act to further amend the Act assented to the twenty-fourth of December, 1870, intituled : An Act to incorporate the Missisquoi and Black Rivers Valley Railway Company.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the Missisquoi and Black Rivers Valley Railway Company have petitioned that their Act of incorporation be further amended in the particulars hereinafter set forth ; and whereas it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of the province of Quebec, enacts as follows :

34 V., c. 26, s. 13, amended.

1. The words in the 26th line of the 13th section of the 34th Victoria, chapter 26th to wit, " and provided also that the whole " to the end of the section, are struck out.

Debentures.

2. The debentures which the said company are empowered under the said act of incorporation to issue shall be fifteen hundred (1500) sterling debentures, and shall be to an amount not exceeding one hundred and fifty thousand pounds (£150,000) sterling, and such debentures shall be for one hundred pounds (£100) sterling each, provided however that no issue of such debentures shall be made until a length of twenty-five (25) miles of the said company's railway shall be in all respects, complete and ready for traffic, with the exception of laying the permanent rails on the same, and so soon as such length of twenty-five (25) miles of the said company's railway shall have been completed with the exception of the laying the permanent rails as aforesaid, the said company may issue seven hundred and fifty (750) of the said debentures to be termed the first issue, and no further issue of such debentures shall be made until the said length of twenty-five (25) miles shall be opened for public traffic, and a further length of twenty-five (25) miles shall be in all respects complete and ready for traffic with the exception of laying the permanent rails on the same, and so soon as such further length of twenty-five (25) miles shall have been completed with the exception of the laying of the permanent rails as aforesaid, then the said company may issue further seven hundred and fifty (750) of the said debentures, to an amount not exceeding seventy-five

thousand pounds (£75,000) sterling, to be termed the second issue, it being understood however and hereby declared that such terms "first issue" and "second issue" shall be for convenience only, and shall not be deemed to give either of the said issues priority one over the other.

3. The whole of the Debentures of one hundred pounds (£100) sterling each, which shall be issued from time to time by the said company under the foregoing section of this act, shall be redeemed by the company at their par value, on or before the first day of January, one-thousand eight hundred and ninety-five. Debentures redeemed.

4. This act and the act hereby amended, shall be held and construed as though forming one and the same act. Interpretation

5. This act shall come into force on the day when it shall be assented to. Coming into force of this act.

C A P . X L I V .

An Act to amend the Act incorporating the Laurentian Railway Company, (36 Vict., ch. 44.)

[Assented to 23rd February, 1875.]

WHEREAS the Laurentian Railway Company have, by petition, prayed that their act of incorporation be amended; and whereas it is expedient that the prayer of the said petition be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows : Preamble.

1. The Laurentian Railway Company are authorized to extend and continue their line of railway from St. Lin to the town of Joliette and St. Gabriel of Brandon. Road continued.

2. It shall be lawful for the said company, in the event of the Montreal Northern Colonization Railway Company refusing them the means of amalgamation, to cross the rivers Jesus and des Prairies, and to continue its road from Ste. Thérèse de Blainville to Montreal, terminus of its road according to its original charter. Idem.

CAP. XLV.

An Act to amend the Act incorporating "The Sherbrooke, Eastern Townships and Kennebec Railway Company," (32 Vict., c. 57.)

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the Sherbrooke, Eastern Townships and Kennebec Railway Company has prayed for further amendments to the act of incorporation thereof, and whereas it is expedient to accede to its demands; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

The company's
new name.

1. The Sherbrooke, Eastern Townships and Kennebec Railway Company shall be hereafter known and designated as the "Quebec Central Railway Company," and under such name it shall be subject to all the obligations and shall exercise all the powers, rights, privileges, actions and claims, which it now has or which it may hereafter have, in the same manner as if the name thereof had not been changed.

Road continued to Levis.

2. Such company shall have also the right to continue their road from the end of their completed work in the township of Weedon, to the St. Lawrence river, in the town of Levis, following the most feasible and convenient route *viâ* the counties of Megantic and Lotbinière, in such way as to be at as nearly equal distances from the Grand Trunk and the Levis and Kennebec Railways, as possible.

Interpretation.

3. This act and the act of this province, 32 Vict., ch. 57, shall be read and interpreted as forming one and the same act.

Title.

4. The expression "the act of incorporation of the Quebec Central Railway Company," shall include the said act, 32 Vict., ch. 57, the act also of this province, 36 Vict., ch. 47, and the present act, and shall be a sufficient citation of each and all such acts.

Coming into
force of this
act.

5. This act shall come into force the day of the sanction thereof.

CAP. XLVI.

An Act to amend the Acts relating to the Quebec and Gosford Railway Company, now to be known as "the Quebec and Lake Saint John Railway Company."

[Assented to 23rd February, 1875.]

WHEREAS on the second day of April, one thousand Preamble. eight hundred and seventy-two, at a meeting of the shareholders of the Quebec and Gosford Railway Company, held at the city of Quebec, after the notice required for calling any special general meeting of the company; the object of the meeting having been specially set forth in such notice, the following acts of the legislature of this province were accepted by a vote of the shareholders of the said company, representing more than two-thirds of the shares, present in person or by proxy at such meeting, that is to say, the act passed in the thirty-fourth year of Her Majesty's reign, chapter twenty-four, intituled: "An Act to authorize the Quebec and Gosford Railway Company, to prolong their railway to Lake Saint John," and the act passed in the thirty-fifth year of Her Majesty's reign, chapter twenty-four, intituled: "An Act to amend the charter of the Quebec and Gosford Railway Company"; and whereas the Quebec and Lake Saint John Railway Company, as the said company is accordingly to be called in virtue of the provision to that effect contained in section one of the said first mentioned act, have, by their petition, prayed that further time may be granted to them for the commencement and completion and putting into operation of the extension of their railway to Lake Saint John, and that they may be authorized by law to extend their said railway through certain wards of the city of Quebec, and also to make and construct a branch railway, and that additional powers may be granted to them, and that the acts relating to the company may be amended in the above and other particulars, and for other provisions in their favor; and whereas it is expedient that the prayer of the said petition should be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The time for the commencement of the building of the portion of the railway of the said company, hereinafter called "The Company," between Gosford and Lake Saint John, is hereby extended to the first day of May, one thousand eight hundred and seventy-eight, for all the purposes of the acts thirty-fourth Victoria, chapter twenty-four, and thirty-fifth Victoria, chapter twenty-four. Time for commencing the continuation of the road.

Time for the completion thereof extended.

2. The time for the completion of the building and for the putting into operation of the portion of the railway of the company between Gosford and Lake Saint John, is hereby extended to the thirty-first day of December, one thousand eight hundred and eighty-five, for all the purposes of the acts thirty-fourth Victoria, chapter twenty-four, and thirty-fifth Victoria, chapter twenty-four.

Right to extend the road through the city of Quebec.

3. The company, and their agents and servants, and other persons in their employ, may extend and further lay out, construct and work the railway authorized to be laid out, constructed and worked by them from the present terminus of the said railway, on or near the western boundary of the city of Quebec, through any part of Jacques Cartier, Saint Roch and Saint Peter's wards of the said city, to the limits on the river Saint Lawrence of Saint Peter's ward aforesaid; and, subject to the provisions of the twelfth section of the act of incorporation of the company, as amended by the sixth section of the act first cited in the preamble of this act, and also to the provisions contained in the sixty-third, sixty-fourth and other sections of the Quebec Railway Act, 1869, the company may run cars drawn by locomotives or railway engines propelled by steam over any part of its line within the limits of the said city, or of any municipality between the said city of Quebec and Lake Saint John.

Branch railway to La Tuque.

4. The company, and their agents and servants, and other persons in their employ, may lay out, make, construct and work, and may manage, a branch railway from any station of their railway to any point on the river St. Maurice at or near the place called *La Tuque*, and for those purposes or any of them, may use and exercise all the powers, privileges and authorities conferred upon and enjoyed by them with reference to their railway from Quebec to Lake Saint John; provided always, that the sanction of the lieutenant-governor in council be first obtained for the construction of such branch.

Capital stock of the company.

5. The capital stock of the company shall not exceed in the whole (unless increased under the provisions of sub-section eighteen, of section seven of the Quebec Railway Act, 1869,) five million dollars, including the amount already raised by receipt of payment of calls on subscriptions to the stock of the company, and shall continue to be raised by the persons named in the act of incorporation, and their heirs and assigns, and such other persons and such corporations and municipalities as have become, or may become holders of shares in the company by subscribing to the stock thereof; and all money so raised

after the coming into force of this act shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this act, and of the acts cited in the preamble of this act, and for making the surveys, plans and estimates connected with the extensions and branch of the said railway thereby and hereby authorized; and all the rest and residue of such money shall be applied towards making, completing, maintaining and working the whole of the railway of the company and other the purposes of the said acts hereinbefore referred to and of this act; and section three of the act thirty-fourth Victoria, chapter twenty-four, as amended by section seven of the act thirty-fifth Victoria, chapter twenty-four, is hereby repealed.

Use of the money raised.

34 V., c. 24., s. 3, as amended, repealed.

6. The said capital stock of the company shall be divided into fifty thousand shares of one hundred dollars, each of which shall be reckoned as ten shares in construing the ninth section of the act of incorporation of the company; and every share of ten dollars in the original capital stock of the company shall, from and after the coming into force of this act, except in construing the said section, be held and deemed to be one-tenth of such a share of one hundred dollars; and notwithstanding anything to the contrary contained in the Quebec Railway Act, 1869, transfers of such tenths of shares shall be valid, and dividends of the clear profits of the undertaking may be at and after so much per tenth of a share upon the several shares and tenths of shares held by the shareholders in the capital stock of the company.

Shares.

Original shares.

1. The board of directors of the company may, if they see fit, cause a certificate of one share of one hundred dollars in the capital stock of the company to be given in exchange for any and every ten certificates of one share of ten dollars each (now a tenth of a share each,) in the said capital stock on which all calls have been paid in full, *bond fide* held and standing in the books of the company in the name of one and the same person, or for any and every certificate of ten such shares (now ten-tenths of such a share,) on which all calls have been paid in full, held and standing in the books of the company in the name of any person, and may, at any time within one year, from and after the passing of this act, allow certificates of paid up shares of ten dollars each (now tenths of shares each,) in such stock to be taken at par, in payment, or in part payment of calls or instalments on shares of one hundred dollars each in the same.

Certificate of paid up shares in the stock.

2. A record shall be kept of all tenths of shares taken under this section; and the same shall forthwith be cancelled; and the amount thereof shall thereupon cease to be

Record.

computed in the amount of the capital stock of the company.

Rights of the
proprietors of
bonds.

7. All proprietors of bonds of the company shall have the same right of being present and of voting at meetings of the company as proprietors of shares in the capital stock of the company as hereinafter mentioned and provided for; and all rules as to the requisite proportion of the votes of shareholders in the company at any such meeting shall be interpreted as applying to the total number of votes given thereat by shareholders and proprietors of bonds, or bondholders.

Previous
registration
required.

8. No vote tendered at any meeting, in person or by proxy, in respect of any bond, shall be received unless such bond shall have been registered at least seven days prior to such meeting, at the principal office of the company, in the name of the person or persons by whom or by proxy for whom such vote is tendered; and for carrying this enactment into effect bonds shall be registered at the principal office of the company in the name of the bearer, or in any name or names registered by the bearer; but no such registration shall in any way affect the right to receive any principal money or interest secured by any such bond.

Right to vote
by proxy.

9. Any holder of a bond of the company, whether resident in this province or elsewhere, may vote by proxy at any meeting of the company if he sees fit, provided that such proxy produce an appointment from his constituent *mutatis mutandis* in the same words and to the same effect, and in the same form, or as near thereto as may be, as that provided for a shareholder by sub-section seven, of section fourteen of The Quebec Railway Act, 1869; and no person shall be entitled to vote as a proxy for any shareholder or bondholder unless the instrument appointing him such proxy has been transmitted to or lodged with the secretary-treasurer of the company not less than seven days before the time appointed for holding the meeting at which such proxy is to be used.

32 V., c. 53, s.
10, repealed.

Election of
directors.

10. Section ten of the act passed in the thirty-second year of Her Majesty's reign, chapter fifty-three, is hereby repealed, and from and after the coming into force of this act, in all elections of directors of the company, and in the transaction of all business at the general meetings of shareholders of the company, each shareholder shall be entitled to one vote for each one hundred dollars of stock held by him upon which at least ten per cent shall have been paid up, and upon which all other and subsequent calls shall also have been paid up; and each proprietor of a bond or bonds of the

company shall be entitled to one vote for each one hundred dollars of bonds held and owned by him, subject to the provisions of this act as to the registration of bonds and as to the appointment of proxies.

11. Section eleven of the act passed in the thirty-second year of Her Majesty's reign, chapter fifty-three, is hereby repealed, and not more than twenty dollars per share shall be called for, to be paid at any one time, nor shall any call be made payable at any less interval than two months from the day on which the last previous call was made payable. 32 V., c. 53, s. 11, repealed.

12. The company are hereby authorized and empowered to contract and agree with any person or persons, or with any joint stock company that may be registered for the purpose in the city of London, in England, or elsewhere, under any act of the parliament of the United Kingdom, for the purchase, transfer and amalgamation of their line of railway and undertaking, with the appurtenances and the privileges thereto belonging, or in any manner or way appertaining, upon such terms and conditions, and with such restrictions as the company may deem expedient. Transfer or amalgamation.

13. The company may make agreements with any other railway company incorporated or to be incorporated by competent legislative authority, either of the late province of Canada, or of the province of Quebec, or with any person or persons, for leasing the said railway, or any part or section or branch thereof, or the use thereof, or any locomotive, tender, car or other rolling stock or movable property, or the use thereof, at any time or times, and for any period, or for leasing or hiring from any such other company, any railway, or any part or branch thereof, or the use thereof, or any locomotive, tender, car or other rolling stock or movable property, at any time or times and for any period, and generally to make any agreement or agreements with any such other company touching the use by one or other, or by both companies, of the railway or rolling stock or movable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such lease, agreement or arrangement shall be valid and binding, and may be enforced by all courts of law or equity according to the tenor and effect thereof. Lease, &c., of the road, &c.

14. The board of directors of the company may have their principal office in the city of London, in England, and may depute one or more of their number resident in Canada, to be managing and paid director or directors of Office in London.

Delegates ;
their powers.

Managing
director shall
be represented
therein.

the company in Canada, and he or they shall have such power as may be vested in him or them by the board of directors; and the managing director or managing directors for the time being, resident in the province of Quebec, may be represented at the meeting of the board in London, by any other member or members thereof, under proxy to that effect, who may exercise, on behalf of such managing director or managing directors, all the rights, powers and privileges of a director or of directors at such meetings of such board.

Subscription
authorized of
the city of
Quebec.

15. Whereas the council of the city of Quebec hereinafter called "The City," has, by resolutions, copies of which are contained in the schedules to this act, expressed its willingness that the contribution of the corporation of the city to the capital stock of the company should be largely increased in the event of such investment of the public funds of the city being sanctioned, and a proportionate special increase of such funds being provided for by this legislature; and whereas it is expedient that such investment should be sanctioned, and that such increase of such funds should be provided for; therefore, the corporation of the city is hereby authorized to subscribe by by-law for any number of shares not exceeding four thousand five hundred in the capital stock of the company, in addition to the one thousand tenths of shares, equal to one hundred shares therein, which the city already holds; such shares not to be subject to calls, but to be paid for by instalments, from time to time, as may be agreed upon between the said corporations, by deed before a public notary, executed before or at the time of the acceptance by the company of the subscription of the city to its capital stock; which by-law shall not come into force until it shall have been approved by the vote of the municipal electors of the said city, authorized to vote for the election of aldermen; such vote to be taken in the manner provided by law for such election of aldermen; and so soon as conveniently can be, after the passing of said by-law. And notice by the city clerk, or his assistant, of the intended taking of such vote, published in one French, and in one English newspaper of said city, for at least fifteen days preceding the taking of such vote, shall be given, and said city clerk and his assistant are hereby empowered and directed to give and publish such notice, and said by-law, when so adopted and approved as aforesaid, shall be subject to the sanction of the lieutenant-governor in council, who shall satisfy himself that the said city of Quebec has a right to incur an indebtedness to the amount mentioned in said by-law.

Approval of
the electors.

Sanction of
the lieutenant-
governor in
council.

16. And therefore the corporation of the city is hereby authorized, from time to time, to issue bonds or debentures signed by the mayor and by the treasurer of the city, and sealed with the corporate seal of the city, to such amount as may be required for the purpose of raising the means of paying up in full instalments falling due upon the shares in the capital stock of the company subscribed for by the city under this act; such bonds or debentures to be redeemable within a period not exceeding thirty years from the dates thereof respectively. and bearing interest, at a rate or rates not exceeding seven per cent per annum, payable half-yearly; and such bonds or debentures may be severally for any sums, either in currency or in sterling, not less than five hundred dollars.

Bonds of the
city to be
issued.

17. Towards securing the redemption of such bonds or debentures by the payment of the principal moneys for which the same shall be issued respectively, at the maturity thereof respectively, the treasurer of the city, for the time being shall annually, so soon and so long as any such bonds or debentures have been issued and are outstanding, on or before the thirtieth day of April, set apart from and out of the special fund hereinafter provided for, and failing that from and out of any moneys in his hands forming part of the revenues and funds of the city, and not specially appropriated to any other purpose by any law enacted before the coming in force of this act, a sum equal to one per cent on the amount of all such bonds or debentures then outstanding; and all sums so set apart by any such treasurer shall, by such treasurer and his successors in office, be kept apart for the purpose aforesaid, and shall, together with the accumulations thereof and of interest thereon, form a sinking fund for such purpose; and such sinking fund shall, from time to time, be invested by the treasurer of the city in stock or bonds of the dominion of Canada, or of the province of Quebec, and not otherwise; and full, true and particular accounts of the investment and management, and of the actual state and amount of such sinking fund, shall be rendered annually by the treasurer to the city council, and published annually in at least one newspaper in each of the English and French languages in the city.

Sinking fund.

18. Towards meeting the amounts payable for interest and sinking fund on bonds or debentures issued by the corporation of the city under this act, the said corporation is hereby authorized, so soon as any such bonds or debentures have been issued, and so long as any such bonds or debentures are outstanding, to impose and levy in each and every year upon the whole of the then and assessable real property in the city, a special rate of so many cents in the

Special tax on
real estate.

dollar as it may by the council of the city be deemed necessary to impose and levy in order to insure the full payment of interest and sinking fund for such year, on the amount of all such bonds or debentures outstanding at the commencement of such year, together with interest, if any, for portions of the year previous and sinking fund on the amounts of any such bonds or debentures issued during that year; such rate to be paid in equal proportions by proprietors and tenants, where there are tenants, and by proprietors only, and in full, where there are no tenants, but subject to the same provisions of law as are contained in sub-sections one and two of section fourteen of the act of the legislature of Quebec, passed in the thirty-third year of Her Majesty's reign, chapter forty-six.

Proviso:

**Special entry
by the as-
sessors.**

19. The rate provided for in the next preceding section of this act shall be imposed at any time that it shall be so ordered by the council of the city, by being entered by the assessors of the city, or by one or more of them, in a separate book, to be called "Quebec and Lake Saint John Railway interest and sinking fund book,"—or in a separate column, with a like heading, in each of the assessment books of the city for the year, in the like manner as the other assessments on real property in the city, and shall be levied by the same process and in the same way, and without any other formalities; and the said rate shall be imposed on the annual assessed value of each and every real property within the city, which said value shall be estimated according to that set upon such real property in the assessment books of the said city for the then current years, when the said rate shall be imposed.

Collection.

**Use of the
dividends.**

20. Every sum received by the city by way of dividend on its shares in the capital stock of the company, at any time when any bonds or debentures issued under this act are outstanding, shall be applied in aid of the proceeds of the special rate on real property in the city imposed under this act, towards the payment of the interest on such bonds or debentures, or may be added to the sinking fund for their redemption, or may be added to and merged in the general funds of the city, as the council of the city may deem most advisable under the provisions of the next two following sections of this act.

**Case of
amounts levied
and dividends
received not
being suffi-
cient.**

21. In case in any year the amount levied by special rate on real property in the city, under the provisions of this act, together with the amount, if any, received by the city within the year by way of dividend on its shares in the capital stock of the company, is not sufficient for the payments to be made in such year on account of interest

and sinking fund on the bonds or debentures of the city, issued under the provisions of this act then outstanding, the treasurer of the city shall complete the payments of such interest, and of such amount on account of sinking fund, out of any moneys of the city in his hands not specially appropriated to any other purpose by any law enacted previously to the coming into force of this act.

22. In case in any year the amount levied by special rate on real property in the city under the provisions of this act, together with the amount, if any, received by the city within the year by way of dividend on its shares in the capital stock of the company, is more than sufficient for the payments to be made in such year, on account of interest and sinking fund on the bonds or debentures of the city issued under the provisions of this act, then outstanding, the treasurer of the city shall add to and merge in the general fund thereof so much, if any, of the excess as may be necessary, or the whole thereof, if necessary, to reimburse or towards reimbursing such general fund for any such payment on account of interest or sinking fund then previously paid out of it, and not already reimbursed to it; and in case no part, or only a part of such excess is required to be so applied, then such excess, or the surplus or balance of such excess that may remain after the making of such reimbursement, as the case may be, shall, by the said treasurer, be carried to the credit of and kept a part for and in due time applied to or towards the making of the payments to be made during the then next year on account of such interest and sinking fund, or be added to the sinking fund created under the provisions of this act, as the council of the city may deem to be most expedient and may resolve. ^{Case of a surplus.}

23. From and after the coming into force of this act, the annual general meeting of the shareholders of the company shall be holden on the first Thursday, instead of on the first Tuesday, in the month of February in each year. ^{Annual general meeting.}

24. The acts thirty-second Victoria, chapter fifty-three, thirty-fourth Victoria, chapter twenty-four, and thirty-fifth Victoria, chapter twenty-four, and this act, shall be read and construed together as one act, and as one special act according to the true intent and meaning of the Quebec Railway Act, 1869. ^{Interpretation.}

25. This act shall come into force on the day on which it is assented to. ^{Coming into force of the act.}

SCHEDULE.

CITY HALL,

QUEBEC, 24TH DECEMBER, 1874.

At a special meeting of the council of the city of Quebec, held on the 27th November last, it was

Resolved,—That this council apply to the Provincial Legislature, at its ensuing session, to be authorized to issue debentures at thirty years at par, at an interest not exceeding seven per cent., as a subscription to the capital stock of the Gosford and Lake St. John Railway Company, at a rate of \$2,500 per mile, up to the sum of \$450,000, the payment of said subscription to be divided into five sections, of thirty-six miles each, of which \$50,000 be granted to the first section from Quebec to St. Raymond, and \$90,000 to each of the other four sections, from St. Raymond to Lake St. John, and the balance of \$40,000 payable when the road will be received and in full operation on the entire line. The said subscription subject to the clauses and conditions to be stipulated between the council and the company; and provided always, that the said road be completely finished to Lake St. John in five years.

Certified,

(Signed,)

L. A. CANNON,
City Clerk.

And at a meeting held on the 15th January, 1875, with respect to the subscription of the corporation to the Quebec and Lake St. John Railway stock, to the amount of \$450,000, in pursuance of the resolution passed by this council, on the 27th November last, it was

Resolved,—That His Worship the Mayor be authorized to have the necessary clauses introduced in the Quebec and Lake St. John Railway Bill, now before the Railway Committee of the Legislative Assembly, to secure the subscription of the corporation to the said railroad, on such terms and conditions as have been settled, and are set forth in the above mentioned resolution.

Certified,

(Signed,)

L. A. CANNON,
City Clerk.

CITY HALL,

Quebec, 20th January, 1875.

CAP. XLVII.

An Act to incorporate the "St. Lawrence Bridge Company."

[Assented to 23rd February, 1875.]

WHEREAS it has been represented that a bridge over ^{Preamble.} the River St. Lawrence, made from one shore to the other, passing above St. Helen's Island or near this place, near the city of Montreal, has become an absolute necessity both to establish a connection between the railways on the North of said River St. Lawrence and the Railway system on the South of said river, as also to procure to horse or street railways, carriages, vehicles of all kinds, pedestrian, &c., a constant and easier mode of crossing the said river St. Lawrence at all seasons of the year; and whereas certain persons hereinafter named (amongst others) have petitioned for an act of incorporation for facilitating that object; and whereas it is expedient to grant the prayer of their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. "The Quebec Railway Act, 1869," is hereby incorpo- ^{Interpretation.} rated, except as hereinafter mentioned, with this act, and shall form part hereof; and the several provisions of "The Quebec Railway Act, 1869," applicable to a railway company, and to a railway, shall, except as varied by this act, apply to the company hereby incorporated, and to the bridge hereby authorized to be constructed. But the sections of "The Quebec Railway Act, 1869," headed "Highways and Bridges," "Fences," "Working of the Railway," "General Provisions," "Application of Penalties," shall not apply hereto or be incorporated with this act.

2. Sir Hugh Allan, Hon. John Young, Aldis Bernard, ^{Incorporation.} General Samuel J. Anderson, of Portland, state of Maine, United States, the Hon. John J. C. Abbott, the Hon. Gédéon Ouimet, the Colonel A. B. Jewett, the Hon. J. A. Chapleau, William Workman, Waldo Brigham, Louis Beaubien, Samuel Thomas Willett, Henry Mulholland, C. J. Coursol, Ashly Hilbard, P. S. Murphy, Edward L. de Bellefeuille, Henry Pangman, P. H. Moore, together with such persons and corporations as shall, under the provisions of this act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The St. Lawrence Bridge Com- ^{Name of the company.} pany," and shall as such be invested with all the powers, privileges, and immunities necessary to carry into effect their

Its general powers.

project and the intention and objects of this act, and of "The Quebec Railway Act, 1869," in so far as the last mentioned act is applicable, and all the powers which are incident to a similar corporation.

Power to build a bridge on the river St. Lawrence.

3. The company, as far as the Quebec legislature may authorize, shall have full power and authority to build, construct, maintain, work and manage a bridge across the River St. Lawrence, from a point on the north shore passing on or near the island called *Isle Ronde*, to the St. Helen's Island or near it, near the city of Montreal, to or near the parish of Longueuil or St. Lambert, in the county of Chambly, and may purchase, acquire, hold real and personal property as may be requisite for the object aforesaid, according to the provisions of "The Quebec Railway Act, 1869."

Capital of the company.

4. The capital of the company shall be five million dollars, divided into fifty thousand shares, of one hundred dollars each.

Provisional directors.

5. The said Sir Hugh Allan, Hon. John Young, Aldis Bernard, General Samuel J. Anderson, of Portland, state of Maine, United States, the Hon. John J. C. Abbott, the Hon. Gédéon Ouimet, the Colonel A. B. Jewett, the Hon. J. A. Chapleau, William Workman, Waldo Brigham, Louis Beaubien, Samuel Thomas Willett, Henry Mulholland, C. J. Coursol, Ashly Hilbard, P. S. Murphy, Edward L. de Bellefeuille, Henry Pangman, P. H. Moore, are hereby constituted the board of provisional Directors of the company.

Duration of their charge.

Their powers.

6. The provisional directors of the company shall hold office as such until the first election of directors under this Act; and shall have power and authority to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice in the *Quebec Official Gazette*, and in one newspaper in the city of Montreal, of the time and place of their meeting to receive subscriptions of stock; and the said provisional directors may cause surveys and plans to be made and executed, and may acquire any plans and make use of surveys now existing; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

Who can be a shareholder.

7. All shareholders in the company, whether British subject or aliens, or residents in Canada or elsewhere, shall have equal right to hold stock in the company, and to vote on the same, and to be eligible to office in the company.

8. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum *bona fide* paid thereon, and deposited in one or more of the chartered banks of Canada, for the purposes of the company, the directors or a majority of them, shall call a meeting of the shareholders of the company at such time and place as they may think proper; giving at least two weeks notice in the *Quebec Official Gazette*, or in one newspaper in the city of Montreal; at which meeting the shareholders shall elect eleven directors from the shareholders possessing the qualifications hereinafter mentioned; which directors shall hold office until the next annual meeting of the shareholders as hereinafter provided; and any provisional director may vote by proxy, and shall be eligible as a director; and six shall be the quorum of the board of directors.

Meeting for the election of the directors.

Duration of their charge.

Quorum.

9. Any railway company whose road now has, or shall hereafter have, a terminus or station at or near the city of Montreal, or shall connect with any railway having such terminus, or whose trains are or shall be run to the localities aforesaid, may, with a consent of the majority of the shareholders of its stock, loan its credit to the corporation hereby created, and may subscribe to, or become the owner of the stock thereof in like manner and with like rights as individuals; and any municipal corporation, either city, county, town, township or village, interested in the said bridge, may also subscribe to, and become the owner of such stock, in the manner and with the rights aforesaid, or give any land or lands, or *bonus*, or sum or sums of money towards the undertaking, subject to the provisions of the municipal laws in force in the province of Quebec. And every such railway company so subscribing to the capital stock, shall have the right to vote for election of directors, by the president or vice-president of such railway company, acting on its behalf at any meeting held for such election, and the president or vice-president of such company, shall be eligible for election as a director; provided the railway company, of which he is president or vice-president, is the owner of at least one hundred shares in the stock of the company, and shall have paid up all calls made thereon.

Rights granted to certain companies, &c., at certain conditions.

10. The annual general meeting of the shareholders for the election of directors and other general purposes, shall be held on the second Wednesday of June, in each year, at the city of Montreal or elsewhere, as may be appointed by by-law; and two weeks previous notice thereof, shall be given by publication as provided in the sixth section, or by by-law.

Time of the general meeting.

Notice thereof.

Qualification
of the direc-
tors.

11. No person shall be elected a director of the company, unless he shall be the shareholder of at least fifty shares in the stock of the company, and shall have paid up all calls made thereon.

Calls, and lia-
bility of share-
holders.

12. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the company beyond the unpaid amount of any stock held by him.

Power to
borrow.

Debentures.

13. The power to borrow money conferred by the eleventh sub-section of the seventh section of "The Quebec Railway Act, 1869," may be exercised by the company in the issue of bonds under the seal of the company, and made and signed by the president or vice-president of the company, and countersigned by the secretary, and with or without coupons; and such bonds shall, without registration, or formal conveyance, or instrument of hypothec, mortgage or pledge, be and be taken as an hypothec, mortgage and pledge, according to the rank and priority which may be therein mentioned, upon the bridge and undertaking and the real and personal property, franchises, tolls and revenues of the company then existing and thereafter acquired; and each holder of the said bonds, shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders of bonds of the same issue, rank and priority, upon the said bridge and undertaking, and all and every the property of the company hereinbefore mentioned; and such bonds may be sold and disposed of by the company at their marketable value; provided that the sanction of the shareholders or a majority thereof, be first obtained at any special general meeting, called for carrying into effect the powers in this section contained.

Proviso:

Power to be-
come party to
promissory
notes, &c.

14. The company shall have the power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary-treasurer, shall as such, be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, or secretary-treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; provided.

Proviso:

always, that nothing in this section shall be construed to authorize the said company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a bank.

15. The company shall not commence the said bridge, or any work thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the lieutenant-governor in council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge and works shall have been complied with; nor shall any such plan be altered, nor any deviation thereon allowed except by the permission of the lieutenant-governor in council, and upon such conditions as he shall impose.

Plans and sites must be approved by the Lieut.-Gov.

16. The company shall, three months before any steps are taken in erecting the piers of the said bridge, cause to be published in two of the public newspapers in the city of Montreal, a notice in which shall be stated the particular location of the said bridge, with reference to known land marks, the number of its piers, the length of its piers and the distances between them, the width in the clear, and the entire length of the bridge from land to land, and its height above the ordinary stages; and a copy of this notice, the facts of which shall be verified by the oath of the engineer, signed by the president and secretary of the company, and acknowledged by them before a magistrate or notary public, shall be filed in the office of the clerk of peace of the district of Montreal.

Notice required before the comm. of the works.

17. The company shall have power to use any of the public highways for the construction and maintenance of the bridge or the works authorized by this act, with the consent of the municipal council having jurisdiction over such highways.

Use of public roads.

18. Whenever it shall become necessary to procure sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said bridge, the company may purchase more land than is required for such stations or gravel pits, or other purposes. The company may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same be separated from their bridge, in such manner, and for such purposes connected with the constructing, maintenance or use of the said bridge, as they may deem expedient, and may sell and convey the same, or parts thereof, when not required for use of the said bridge.

Power to acquire, &c., for stations, &c.

19. It shall be lawful for the company to enter into any agreement with any railway company or companies for

Power of leasing said bridge, &c.

Power of
companies,
leasing.

leasing the said bridge or the use thereof, at any time or times, or for any period to such railway company or companies; and for leasing or hiring from such company or companies any railway, or part thereof, or the use thereof; or for leasing or hiring any locomotives, tender, steam vessels or movable property; and generally to make any agreement or agreements with any such company or companies, touching the use by one, or the other or others, of the bridge or railway or railways, or movable property or of all together or of any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such railway company or companies, may agree for the loan of its credit by direct guarantee or traffic contract or otherwise to, or may subscribe to or acquire the stock of the company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof in compliance with the said acts; and any company accepting and executing such lease, shall be and is empowered to exercise all the rights and privileges hereby conferred.

Right of cer-
tain companies
to cross such
bridge.

20. When the said railway bridge is completed and open to traffic, all trains of all railways terminating at or near the city of Montreal aforesaid, now constructed or hereafter to be constructed, shall have the right to pass over the said bridge, including the cars of any other railway company which may be brought over such railways,—at corresponding tariff rates, for the persons and property transported so that no discrimination in tariff rates, for such transportation, shall be made in favor of or against any railway whose trains or business pass over the said bridge.

Case of dis-
agreement as to
that right.

21. In case of any disagreement, and as often as the same may arise, as to the rights of any railway whose trains or business shall pass over the said work hereby authorized to be constructed, the same shall be determined by arbitrators, one to be appointed by the company and another by the company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by a judge of the superior court of the province of Quebec, upon application to such court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final; provided that the terms of the said award shall not be binding for a longer term than five years.

Arbitration.

Their decision.

Proviso:

22. Whenever the said bridge is so completed as to admit of the passage of railway trains, the company may erect such gates and fixtures to guard the entrance of such trains upon the bridge, as the said directors may deem proper ; and make such by-laws, rules and regulations, not inconsistent with the provisions of this act, in relation to the use of the said bridge, its machinery, appurtenances, and approaches, by railway companies, their trains and carriages, as well as by passengers on foot or on horseback or in vehicles, and by vehicles of all kinds, as the directors may think proper, and the tolls or charges therefor.

Power to erect gates.
And make by-laws.

23. If any person or persons shall force, or attempt to force any gate or guard of the said bridge, or the approaches thereto ; or if any person shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the said bridge, its lights, stations, works, machinery, fixtures or other appurtenances thereto, shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the company treble the damages sustained by means of such offence or injury, to be recovered in the name of the company with costs of suit, by any proper action for that purpose.

Entry information.
Depredations
Penalty.

24. At all the meetings of the shareholders of the company hereby incorporated, each shareholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy ; and the directors of the company may also, at any meeting of the board, vote by proxy, such proxy be held by another director ; provided that no more than two proxies be held by one director, and not less than six directors shall be present in person at any meeting of the board of directors convened for the transaction of business.

Right to vote.
Proxy.
Proviso :

25. The work shall be commenced within four years and completed within seven years from the coming into force of this act.

Time for the completion of the work.

C A P . X L V I I I .

An Act to amend the Act intituled : " An Act to incorporate the Montreal Omnibus and Transfer Company."

[Assented to 23rd February, 1875.]

WHEREAS by petition of the Montreal Omnibus and Transfer Company, it hath been represented that it is desirable to amend their act of incorporation as made and

Preamble.

passed in the thirty-seventh year of Her Majesty's reign ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

New powers granted to the company.

1. The said company shall have full power and authority, in addition to the powers already possessed by it, to construct, complete, maintain, and, from time to time, remove and change, a double or single track iron railway, with the necessary side tracks, switches and turn-outs, and other appliances, for the passage of cars, carriages, and other vehicles, and particularly those adapted to the same, upon and along any of the streets in the city of Montreal, in conformity with and subject to any by-law, which the corporation of the city of Montreal may pass and adopt, and with the divisions and subject to the limitations and conditions to be set forth and provided by such by-law or by any subsequent by-law, and upon and along the highways in the parish of Montreal, leading into the said streets and contiguous thereto or any of them, subject to the approval and sanction of the municipal councils in the said parish of Montreal ; and to take, transport and carry passengers upon the same, and to construct and maintain all necessary works, buildings and conveniences therewith connected ; and to use and occupy any and such parts of any of the streets or highways aforesaid as may be required for the purpose of their railway track, the laying of the rails, and the running of their cars and carriages ; provided that before the said Montreal Omnibus and Transfer Company can lay their rails in any of the streets of the said city, wherein the Montreal City Passenger Railway Company's rails are already laid, it shall require a favorable vote to that effect of at least two-thirds of the members composing the council of the said city.

Proviso :

Manner of laying the rails.

2. The rails of the railway shall be laid flush with the streets and highways, and the railway track shall conform to the grades of the same so as to offer the least possible impediment to the ordinary traffic of the streets and highways ; and the gauge shall be such that the ordinary vehicles now in use may travel on the said tracks, which it shall and may be lawful for them to do ; provided they do not interfere with or impede the running of the cars of the company ; and in all cases, any carriage or vehicle on the track shall give place to the cars by turning off the track.

Proviso :

Power to make agreement with the city and neighb. municip.

3. The said city and the adjoining municipalities or any of them, and the said company, are respectively hereby authorized to make and to enter into any agreement or covenants relating to the construction of said railway, for the paving, macadamizing, repairing and grading of the

streets and highways, and the construction, opening and repairing of drains or sewers, and the laying of gas and water-pipes in the said streets and highways, the location of the railway and the particular streets along which the same shall be laid, the pattern of rail, the time and speed of running the cars, the amount of license to be paid by the company annually, the amount of fares to be paid by passengers, the time within which the works are to be commenced, the manner of proceeding with the same, and the time for completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non obstructing or impeding of the ordinary traffic.

4. The said city and adjoining municipalities or any of them are respectively hereby authorized to pass any by-law or by-laws, and to amend, repeal and enact the same for the purpose of carrying into effect any such agreements or covenants in pursuance of the provisions of the next preceding section, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for the enjoining obedience thereto, and also for facilitating the running of the Company's Cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways, through which the said railway may pass; provided also, that no such by-law or by-laws shall infringe upon the privileges granted to the said company by their act of incorporation and the amendments thereto.

By-laws of the
councils to
give effect to
agreement.

Proviso:

5. The shareholders of the said company are hereby authorized and empowered to increase the capital stock of said company, to any amount not exceeding one million of dollars, by a majority of votes at any meeting specially called for that purpose.

Power to in-
crease capital
stock.

6. Nothing contained in this act shall be construed or interpreted as infringing upon the vested rights of any existing company.

Rights of ex-
isting comp.,
protected.

CAP. XLIX.

An Act to incorporate the College of Levis.

[Assented to 23rd February, 1875.]

WHEREAS the reverend Joseph David Deziel, *curé* of the parish of *Notre-Dame de la Victoire*, of Levis, in the archdiocese of Quebec, in this Province, has represented that he has established in the town of Levis, with the

Preamble.

assistance of the citizens of the said town, a college for the education of youth, in which instruction has been given for several years, and that wishing to give it permanent government directors he hath, with the sanction of His Grace Elzéar Alexandre Taschereau, archbishop of Quebec, prayed that corporate powers may be conferred on the said college, and that in consideration of the advantages already derived and to be derived from the said establishment, it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Corporation.

Its name.

And its first members.

1. A body politic and corporate shall be and is by the present act constituted and established in the town of Levis, under the name of the College of Levis, which shall be composed of a superior, a *procureur*, and of not less than five other priests-as directors, all resident in the said college, with the exception of the superior who may or may not reside in the said college, who shall be chosen by the majority of the members of the said corporation, with the approbation of the Roman Catholic Diocesan Bishop, or the administrator for the time being, according to the rules and constitution of the said college, and shall only cease to form part of the said corporation by death, resignation or final withdrawal from the said college, always under the sanction of the said diocesan bishop or his representative ; and it is further enacted that the first members of the corporation of the said college of Levis shall be the reverend Joseph David Déziel, superior, Placide Edouard Beaudet, *procureur*, Georges Eric Savageau and Benjamin Demers, directors, with power to add to themselves other directors as aforesaid.

Power to make by-laws subject to the disapproval of the Rom. Cath. bishop.

2. The majority of the corporation for the time being, shall have power and authority to make and pass such statutes, rules, orders and by-laws, not contrary to the present act, or to the laws in force in this province, as they may deem useful or necessary in the interests of the said corporation and for the government thereof, and they may, from time to time, modify, repeal and change such statutes, rules, orders and by-laws or any of them, as they may deem useful for the management of the said institution, with the sanction of the Roman Catholic diocesan bishop or his representative, who may always disallow any statute, rule, order or by-law made by the said corporation, and such statute, rule, order or by-law shall then be considered null and of no effect.

General powers.

3. The said corporation shall have perpetual succession, and may have a common seal with power to change, alter, break and renew the same at their will and pleasure ; and

the said corporation may under the same name, contract and treat, sue and be sued, implead and be impleaded, summon and be summoned in all courts of law and places whatsoever in this province, and shall have power without any other authority to acquire by purchase, donation or otherwise, to receive by will, hold, possess, take and accept for the purposes of the said corporation, all lands, tenements or hereditaments and movable and immovable property, as also to sell, lease, change, alienate and dispose of the same and to acquire others in their place for the above mentioned purpose; provided always that the annual net revenues, Revenues limited. fruits and profits from all immovable property of the said corporation, other than the lands on which are erected the buildings and dependencies of the said college, which lands have a superficial area of fifteen arpents more or less, and those which may be acquired in the vicinity of the said buildings, and which shall be adjacent to the lands already possessed by the said college, shall not at any time, exceed the annual sum of twenty-five thousand dollars current money of this province. In the event of the said corporation receiving by donation or legacy any immovable property, over and above that which it is allowed to possess, such donation or legacy shall not on this account be null, but the said corporation shall, within the seven years next after taking possession thereof, be obliged to sell or alienate the said immovable property, or its other immovable property, so as not to exceed the amount hereinabove specified. Case of an exceeding. The said corporation shall also have power to appoint an attorney or attorneys to manage its affairs, and generally it shall enjoy all the rights and privileges of other bodies corporate and politic, recognized by the legislature. Attorneys.

4. All property which shall at any time be possessed by the said corporation, as well as the revenues arising therefrom, shall be always appropriated and applied, solely to the advancement of education in the said college, and for no other purpose, institution or establishment whatever, not attached or dependent thereto; the said properties always remaining in the hands of Roman Catholic ecclesiastics for the above purposes. Appropriation of the revenues.

5. The real estate of about fifteen arpents in superficialities, above mentioned, with the college and its dependencies thereon constructed, as well as the movable property of the said college, the debts, claims and other rights thereto belonging, the debts contracted for the said college, the whole as now possessed or due by the Roman Catholic Bishop of Quebec, incorporated by letters-patent of Her Majesty Queen Victoria, under the great seal of the province under date of the twenty-ninth day of January, eighteen Certain properties vested in the corp.

hundred and forty-five, are by the present act, with the consent of the said Roman Catholic Bishop of Quebec, vested in the corporation established by the act aforesaid; without, however, the present act affecting, in any manner, the rights of those to whom such said debts may be due.

Statement furnished to
Lieut.-Gov.
when required.

6. It shall be the duty of the said corporation to submit to the lieutenant-governor, when thereunto required by the said lieutenant-governor, a detailed statement of the number of members of the said corporations; of the number of professors employed in the various branches of instruction, of the number of pupils receiving instruction, of the course of study followed, and of the immovable property possessed under the present act, and of the revenues arising therefrom.

C A P. L.

An Act to incorporate the "*Société de Bienfaisance Mutuelle du Sacré-Cœur de Jésus, de la Ville de Lévis.*"

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the president and a certain number of the members of the "*Société de Bienfaisance Mutuelle du Sacré-Cœur de Jésus, de la Ville de Lévis,*" have, by their petition, represented to the Legislature, that such association has been constituted with the view of affording, to the heirs or legal representatives of all persons now belonging or who may hereafter belong to the said association, pecuniary assistance, by means of contributions from each member, payable on the decease of any member; and whereas the members of the said association have prayed to be incorporated, and whereas it is expedient to grant their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

1. The Reverend Messire Joseph David Déziel, the Honorable Joseph Godéric Blanchet, Joseph Labadie, Théodule Foisy, Joseph Desrochers, Simon Thompson, *père*, Michel Barras, Michel Réaume, Léon Roy, Flavien Roy, Edouard Demers, George Bourassa, Narcisse Lacerte, Louis Cloutier, Jacques Jobin, Pierre Lefrançois, François Xavier Thompson, senior, François Xavier Demers, Etienne Samson, Pierre Thompson, Séraphin Marceau, Modeste Thibodeau, Frédéric Alain, Jacques Alaire, Magloire Avard, Edouard Barras, *père*, François Bélanger, Thomas Barras, Félix Carrier, Robert Demers, Mathias Grégoire, Germain Michaud,

Joseph Michaud, Sévère Riverin, Téléphore Paradis, Etienne Samson, François Xavier Thompson, junior, Joseph Couture, père, George Carrier, Pierre Dupré, père, Pierre Guay, Joseph Guay, Joseph Houde, Joseph Baillargeon, François Xavier Desrochers, Léon Desrochers, Herménégilde Martin, Charles Timothé Rouleau, Henri Verreault, and Louis Phidime Demers, and such other persons who are now or who may hereafter become members of the said association, under the present act and the by-laws thereunder made, shall be, and they are hereby constituted a body politic and corporate, under the name of the *Société de Bienfaisance Mutuelle du Sacré-Cœur de Jésus, de la Ville de Lévis*, and under such name may exercise each and every the general powers whereof corporate bodies are possessed, regard being always had to the provisions of this act, and may, by any legal title, acquire, hold, and enjoy any estate whatever, real or personal; and may hypothecate, alienate, lease, or otherwise dispose of the same, in whole or in part, from time to time, as occasion may require, and acquire other instead thereof; provided that such real estate shall not exceed the annual value of ten thousand dollars, beyond the requirements of the said corporation.

Name of the corp.

Its general powers.

Proviso :

2. All the affairs of the said society shall be conducted and administered by a committee of management, selected from the members of said society, resident in the town of Lévis, or from those who may be called to replace any one of them, as hereinafter provided; the said committee shall be composed of seven members, four of whom shall form a quorum.

Committee of management.

Quorum.

The officers and directors shall remain in office until their successors are elected

Duration of office.

The general meeting, at which officers and directors are to be elected to replace those retiring from office, shall be held in each year in the beginning of the month of April, on the day fixed by the committee, and convened by notice given to the members, or by public notice at the door of the parish church of the parish of *Notre Dame de la Victoire*, in the town of Lévis, or in a newspaper published in the said town.

Meeting for election of officers.

For the first two years, two members of the committee shall retire each year, and three in the third year.

Retiring from office.

For the first three years, the members shall draw lots, and afterwards the senior members shall retire; when an office becomes vacant, by the resignation of any member, or from any other cause, the committee is charged to replace such member by another, who shall retain office as director or officer, for the unexpired remainder of the term only of him whom he replaces.

Properties of
the ass. to be
those of the
corp.

3. All the property, movable and immovable, of the said association, and all the rights and claims of the same, shall become the property of the said corporation, and the members of the said corporation shall not be personally liable for its obligations.

By-laws con-
tinued.

4. The by-laws of the said association, not contrary to the present act and the laws of this province, shall be the by-laws of the said corporation, until the same are repealed or amended in conformity to the act of incorporation; and the present officers be officers of the said corporation, until others shall have been elected in conformity with the by-laws and the law; such officers shall be chosen from the members of the said society, and elected by the members voting *vivâ voce*, and whenever a vacancy occurs among the said foundation members of the society, caused by death or permanent absence from this town, such vacancy shall be filled by the managing directors, on condition however that the same be approved by the annual meeting, next ensuing, of the other members then present.

Present
officers.

Vacancy.

Power to make
by-laws for the
management
of affairs.

5. The majority of the members and executive officers of the said corporation, present at any meeting held and convened in conformity with the by-laws of the corporation then in force, shall have full power and authority to make all by-laws for the government of the said corporation, the administration of its affairs, the admission of new members, the time of meetings of the directors and officers of the said society, fixing the annual, monthly, or other contributions to be paid by the members, whether to meet the expenses of administration or only the aid to be paid to the heirs of a deceased member, the election or appointment of officers and to define their powers, and for the government and good behavior of the managers, officers, and members of the said society, and they shall have power, by such by-laws, to impose a fine or penalty not exceeding one dollar for any infraction of the said by-laws.

Penalty.

Power to make
rules and by-
laws.

6. The society shall also have full power to fix the conditions under which any person shall continue to be a member thereof, and to fix the time within which the aid payable by each member upon the death of one of them, shall be remitted to the secretary-treasurer, or other person authorized to receive such contributions; and generally to make and pass all such by-laws which may appear to them necessary to efficiently secure to the said corporation, by all legal means, the object for which the said association was founded.

7. Every such by-law may be repealed, altered, or amended, by any subsequent by-law, provided that such alterations have been proposed at a previous monthly meeting, and adopted by a majority of two-thirds of the members then present. ^{Power to change them &c.}

8. No sum of money to which any of the heirs or legal representatives of a deceased member is entitled, under this act and the by-laws of this society, shall be liable to seizure, either before or after judgment; provided always that nothing in this section shall prejudice, in any manner whatsoever, the rights of any creditor to any sum of money due by the corporation to any one of its members, in consequence of any contract or undertaking perfected between the said corporation and such member. ^{Aid unseizable. Proviso.}

9. All subscriptions and penalties, due or to become due to the said corporation, may be recovered by suit at law, instituted in the name of such corporation; but a member may withdraw from the association, at any time after the payment of all money due by him to the said corporation. ^{Subscriptions and penalties recoverable in justice.}

10. Any member of the said association may transfer his titles to any aid, which may be coming to his heirs at his decease; provided that such transfer be entered in the books of the society. ^{Transfer of titles to aid.}

11. The office of the said society shall be in the town of Levis, where all its business shall be transacted and elections held. ^{Office of the said society.}

C A P . L I .

An Act to amend the Act 12 Victoria, chapter 143.

• [Assented to 23rd February, 1875.]

WHEREAS the Corporation of *Les Révérends Pères Oblats de l'Immaculée Conception de Marie* has represented by petition, that it is expedient to amend the act of the late Province of Canada, 12th Victoria, chapter 143, by which the said corporation was constituted and incorporated; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: ^{Preamble.}

1. The said Corporation may at all times and places, by purchase, gift, bequest, cession, loan, or by all other lawful title and means, acquire, possess, inherit, take, have, accept ^{Power to acquire, possess, &c.}

Proviso:

Proviso:

and receive, for itself and its successors, without any further authorization, or letters of *mortmain*, any property moveable and immoveable whatsoever, for the uses and purposes of the said corporation, as also to hypothecate, sell, lease, farm, exchange, alienate, and generally legally dispose of the same, in whole or in part, for the same purposes; provided that such immoveable property shall not exceed in annual value, the sum of twenty thousand dollars, over and above the value of the immoveable property occupied for the purposes of the said corporation; and provided also, that, if the said corporation become proprietor of immoveable property, exceeding in annual value the sum of twenty thousand dollars as aforesaid, it shall be obliged to sell such surplus property within five years from acquiring the same.

S. 3 of 12 Vict.,
c. 143 repealed.

Use of profits.

2. The third section of the said act of incorporation is repealed, and the following substituted therefor:

"And be it enacted, that the rents, revenues and profits of all property, moveable and immoveable of the said corporation, be employed for the uses thereof."

Ss. 4, 5 of said
act repealed.

Properties
given, remains
ecclesiastical,
in case of
dissolution.

Proviso:

3. The fourth and fifth sections of the said Act of incorporation are repealed, and the following substituted therefor:

"And be it enacted, that in the event of the dissolution of the said corporation for any reason whatsoever, the moveable property then in existence, and the immoveables and constituted rents, which shall have been given and bequeathed to the said corporation, or the other immoveable property, bought or exchanged, by means of the sale of the property so given and bequeathed, and which may be in the possession of the said corporation, at the time of such dissolution, shall remain ecclesiastical property according to the laws of the Roman Catholic church, and shall be under the exclusive control of the Roman Catholic bishop of the diocese in which they are situated; to be by him employed *en œuvres pies*;—provided always that this act, in no manner affect donations made previously thereto, having a special clause expressed in the deed of donation, that the properties given, are so given on condition that such properties should revert to the heirs of the donor or donors, in the event of the dissolution of the said corporation."

S. 6 of said act
repealed.

Certain acts
declared valid.

4. The sixth section is repealed and struck out and the following added:

"And be it enacted, that all deeds of sale or other deeds whatsoever made and passed without the formalities and mentions required by the said sixth section of the said act of incorporation, be declared legal and valid, as if the said

formalities had been observed and followed in conformity with the said sixth section."

C A P . L I I .

An Act to incorporate the Society called "*L'union Saint-Joseph de St. François de Sales.*"

[Assented to 23rd February, 1875.]

WHEREAS there has existed and still exists an asso- Preamble.
ciation known under the name of "*L'Union Saint-Joseph de St. François de Sales,*" in the county of Ottawa, which has for its object the aiding and assisting of its members in case of sickness, and assuring similar relief and other advantages to the widows and children of deceased members of the said association ; and whereas the members of the said association have, by their petition, asked that they be incorporated ; and whereas it is just to grant their demand ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Xavier Potvin, Pierre Paré, Joseph Belanger, Pierre Charrette, Arthur Dion, Joseph Cousineau, Louis Cousi- Certain persons incorporated.
neau, Louis Décari, Charles Bateau, Louis Loyer, Napoléon Dion, Fidèle Lafortune, Eugène Latour, Louis Charron, Jérémie Saucier, Jos. Chartier, Elie Belanger, Jos. Loyer, L. Vire, M. Charrette, T. Lafleur, together with such other persons as now are members of the said institution, or who may hereafter become members thereof in virtue of this act, shall be and they are hereby constituted a body politic and corporate under the name "*L'Union Saint-Joseph de St. François de Sales,*" for the purposes aforesaid, and by that name shall have power at all times, and at any time here- Corporate name.
after, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real and immovable estate, being and situate in the province of Quebec, necessary for the actual use and occupation of the said corporation, not exceeding in annual value the sum of ten thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes ; and any majority whatsoever of the said corporation for the time being shall have full Power to acquire, &c.
power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this act, or with the laws then in force in this province, as they may deem expedient and necessary, for the interest To make by-laws.

and administration of the affairs of the said corporation, and for the admission of members thereof; and the same to amend and repeal, from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing of this act; such majority may also execute and administer, or cause to be executed and administered all and every the business and matters appertaining to the said corporation and to the government and management thereof, in so far as the same may come under their control, regard being nevertheless had to regulations, stipulations, and by-laws to be hereafter passed and established.

Appropriation
of the reve-
nue.

2. The rents, revenues and profits of the said corporation, shall be appropriated and employed exclusively for the use of members of the said corporation, for the erection and repair of the buildings necessary for the purposes of the said corporation, and for the payment of expenses legitimately incurred in the carrying out any of the objects above referred to.

Properties,
debts and re-
gulations,
transferred to
said corpora-
tion.

3. All the real and personal estate at present the property of the said association or which may hereafter be acquired by the members thereof in their capacity as such by purchase, donation or otherwise, and all debts, claims and rights, which they may be possessed of in such capacity shall be and they are hereby transferred to the said corporation, and the said corporation shall be charged with all the liabilities and obligations of the said association; and the rules, regulations and by-laws now or hereafter to be established for the management of the said association, shall be and continue to be the rules, regulations and by-laws of the said corporation, until altered or repealed in the manner prescribed by this act.

Officers.

4. The members of the said corporation for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the said corporation, and such officers, managers, administrators or servants of the said corporation as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authority for the due management and administration of the affairs of the said corporation, as may be conferred upon them by the regulations and by-laws of the said corporation.

Their powers.

5. The said corporation shall be bound to make annual reports to the lieutenant-governor and to both branches of the legislature, containing a general statement of the affairs of the corporation, which said reports shall be presented within the first twenty days of every session of the legislature.

Reports to legislature.

6. No sum of money granted by the said corporation, in virtue of its constitution or any by-law, for the purpose of aiding or assisting any member when sick, or the widow or orphans of any deceased member, shall be liable to seizure either before or after judgment; provided always, that nothing contained in this section, shall prejudice in any manner whatsoever, the rights of any creditor with regard to moneys due by the corporation to any member, either by reason of a contract, or other undertaking entered into between the said corporation and such member.

Moneys granted for aiding, unseizable.

Proviso:

C A P . L I I I .

An Act to amend the Act, intituled "An Act to incorporate the General Hospital of the District of Richelieu."

[Assented to 23rd February, 1875.]

WHEREAS the trustees of the general hospital of the district of Richelieu have, by their petition to the Legislature, represented that the restriction contained in their act of incorporation, twenty-third Victoria, chapter one hundred and forty-two, intituled: "An Act to incorporate the General Hospital of the District of Richelieu," as to the time during which the corporation may possess real property, other than that actually required and necessary for the occupation of the said hospital, is prejudicial to it, and that it is expedient to cancel the provision of the said act of incorporation, and that it is just to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

1. The first section of the said act of incorporation is repealed, and the following section substituted therefor:

S. 1, of 23 V., c. 142, repealed.

"From and after the passing of this act, the local council of the municipality of the town of Sorel, shall appoint one person, who, together with the curé and the churchwarden in office of the parish of St. Pierre de Sorel and their successors forever, and other two persons resident within the town of Sorel, to be appointed by the lieutenant-governor in council during pleasure, shall be the trustees

Certain persons incorporated.

Name of the corp., its general powers.

of the said hospital, and shall form and be a body corporate by the name of "The General Hospital of the District of Richelieu," and as such, shall have the usual powers and rights of bodies corporate, and may acquire and hold real estate, as may be required and necessary for the actual occupation of the said hospital, and may alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, as occasion may require, and may acquire other instead thereof; and the corporation may acquire any other real estate, or any interest therein, by gift, devise, bequest or inheritance, to the amount of an annual revenue of twelve thousand dollars, and may hold the same forever, or alienate, sell, convey, lease or otherwise dispose of the same or any part thereof, from time to time, and as occasion may require; and the fruits of such properties, which shall have been alienated, or otherwise disposed of, may be invested in the public securities of the province or of the Dominion stocks of chartered banks, mortgages or other securities, for the use of the said corporation, and the corporation may also, from time to time, make such by-laws and rules for the regulation and internal management of the hospital, as to them shall seem meet and expedient, but such by-laws or rules, shall be laid before the lieutenant-governor in council, within thirty days after the same shall have been so made, as aforesaid, and may by him be disallowed within one month thereafter, and three of such trustees shall form a quorum for the transaction of business, and the term of appointment, by the lieutenant-governor in council, of any of the trustees, shall not be for a longer period than three years, but they shall act as such trustees until their successors are appointed; and every such trustee shall be eligible for re-appointment.

Fruits of properties alienated, &c.

Power to make by-laws.

Quorum.

C A P . L I V .

An Act to incorporate *L'Hospice des Sœurs de la Charité de Rimouski.*

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS there is now at St. Germain de Rimouski, a congregation of sisters of charity, with a novitiate and hospital, for the purpose of receiving and protecting poor, sick, aged and infirm persons, as well as orphans, foundlings and deserted children, and for giving instruction in Rimouski and in other parishes; and whereas the said sisters of charity, and the Roman catholic episcopal corporation of St. Germain de Rimouski, represented by his Lord-

ship Jean Pierre François La Force Langerin, bishop of St. Germain de Rimouski, have prayed that the said congregation be incorporated; and whereas great advantages would result therefrom, and it is therefore expedient to grant such petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Mesdames Céline Roy, known as sister St. Pierre, Thérèse Lavignon, known as sister Youville, Eulalie Béland, known as sister Marie de la Victoire, Philomène Moreau, known as sister Marie de la Conception, Henriette Pouliot, known as sister St. Paschal, Adélaïde Bérubé, known as sister Ste. Claire, Praxède Fournier, known as sister Ste. Angèle, Augustine Langlois, known as sister Ste. Philomène, Mathilde Aubut, known as sister Marie de la Visitation, Bridget Mangan, known as sister Marie des Anges, Odile Laflamme, known as sister Marie du St. Sacrement, Malvina Bellanger, known as sister Ste. Agathe, Adélaïde Soulard, known as sister Ste. Sophie, Adéline Brochu, known as sister Ste. Anastasie, Eugénie Bégin, known as sister Ste. Clémence, Laure Duberger, known as sister Ste. Candide, and Marie Grondin, known as sister Ste. Léocadie, now members of the said congregation, and all other persons, who may, in future become members of the said congregation, shall and are, by this present act, constituted a body politic and corporate, under the name of the *Sœurs de la Charité de Rimouski*, and shall have perpetual succession under such name, and a common seal, and for the end and purposes of the said congregation, may acquire, have, possess, accept and receive for themselves and their successors, any movable and immovable properties, which may hereafter be sold, ceded, given and willed to the said corporation for its own use and the purposes of the said congregation, and the same to sell and lease, and to acquire others in their place for the same purposes.

Certain persons incorporated.

Corporate name.
General powers.

2. Provided always that the rents, revenues and profits, arising from any kind of movable and immovable properties, belonging to the said corporation, shall be exclusively appropriated and employed for the purposes of the said congregation, and for the payment of the expenses which may be incurred for legitimate objects or for the above mentioned purposes; provided the revenues of the said corporation do not exceed the sum of ten thousand dollars per annum.

Provido

3. The said corporation shall have full power and authority to make, from time to time, rules and by-laws (not contrary to the present act, or to the laws of this province), for the government of the said congregation and

Power to pass by-laws.

the officers and servants thereunto belonging, and for the admission of persons into the said congregation and their rejection, when they may judge fit, and to amend the said rules and by-laws, and to bind over as apprentice, or place at any healthy business or trade, young persons of either sex, admitted into the said hospital, and to exercise such powers over them, and in respect to them as their parents might themselves have exercised, if they had such young persons under their control.

C A P . L V .

An Act to incorporate the Maternity Hospital of Montreal.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the persons hereinafter named and others, by their petition, have alleged and shown that it is necessary and desirable, in the interest of medical education, that an Hospital be established in the city of Montreal, for the purposes of accouchment and the treatment of diseases of women, and that they have formed themselves into an association for the establishment of such an institution, and have prayed that for the better attainment of their purposes, they and their successors be incorporated, under the name of the "Maternity Hospital of Montreal;" Therefore, Her Majesty, by and with the advice and consent of the Legislature of the Province of Quebec, enacts as follows:

Certain persons incorporated.

1. Aron H. David, R. T. Godfrey, F. W. Campbell, E. H. Trenholme, R. A. Kennedy, Wm. Gardner, G. B. Shaw, A. H. Kollmyer, jr., Geo. Wilkins and J. B. McConnell, and all such persons who shall hereafter contribute to the institution the sum of fifty dollars, and who shall regularly continue to pay annually towards its support not less than five dollars, are hereby constituted a body politic by the name of the "Maternity Hospital of Montreal," and by any legal title may buy, lease or acquire any estate, real or personal, and may sell, lease or hypothecate the same, or any part thereof, provided such real estate shall not exceed the annual value of ten thousand dollars.

Name of the corporation,
its powers.
Proviso:

Election of the officers.

2. The corporation shall at its annual meeting, each year, elect a president, vice-president, treasurer, secretary, board of directors, seven in number, and a medical staff, three in number, from among the medical faculty of Bishop's college.

3. The supervision and management of the corporation shall be vested in the board of directors, who shall have power in all things to administer its affairs, and from time to time make by-laws, not contrary to law or this act, to appoint, remove and prescribe the duties of physicians, ladies' committee, agents, officers and servants of the corporation, the attendance of medical students, the rules to be observed in the admission of the sick, and from time to time repeal or amend the same.

Powers of the board of directors.

4. The president, or in his absence the vice-president, with the secretary and treasurer, shall represent the corporation in all legal transactions whatever.

Who is representing the corp.

5. The said corporation shall make annual reports to the legislature, containing a general statement of the affairs of the corporation, before the first day of January of each year.

Annual report to legislature.

C A P . L V I .

An Act to incorporate the Montreal Young Women's Christian Association.

[Assented to 28rd February, 1875.]

WHEREAS the persons hereinafter mentioned have, by petition, represented that they and others for some time past have maintained, by voluntary contributions, a certain institution in the city of Montreal, known as "The Montreal Young Women's Christian Association," for the purpose of receiving young women, who come as strangers to the city, obtaining for them board and employment, attending generally to their temporal and moral welfare, providing a reading room and library for young women, and premises where meetings of ladies connected with different benevolent institutions may be held, and have prayed that for the better attainment of its objects the institution may be vested with corporate powers; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble:

1. Mesdames Philo. D. Browne, J. Macdougall, C. Ault, J. Macintosh and J. Clarke Murray, Misses Isabella G. Macintosh and Charlotte E. Major, and such persons as are now or may hereafter be associated with them, in conformity with this act, and their successors are hereby constituted a body corporate and politic with all the rights incident to corporations by the name of "The Montreal Young Women's Christian Association."

Certain persons incorporated.

Corporate name.

General powers.

2. The said corporation shall have perpetual succession, and may have a common seal, with power to change the same if they shall think proper, and may under the said name contract, sue and be sued, and may acquire by any legal title, hold, possess, and enjoy, to and for the use of such corporation, any movable or immovable property which may be sold, exchanged, given or bequeathed to the said corporation, or to sell, hypothecate, convey, let or lease the same; provided always, that such real estate shall not exceed the annual value of five thousand dollars, beyond that actually required for the use of the said corporation; provided also, that if the said corporation shall become possessed of real estate, exceeding the annual value of five thousand dollars, apart from that actually used by the said corporation, it shall be bound to sell such surplus property within three years from the acquisition of the same, and invest the proceeds thereof, in public securities of the dominion, in stocks of chartered banks, mortgages, or other approved securities, for the use of the said corporation.

Real estate limited.**Case of an exceeding.****Officers of the corp.**

3. The officers of the said corporation shall consist of a president, three vice-presidents, a treasurer, a secretary and an assistant secretary. The officers with such other members as may be chosen for that purpose, shall form the committee of management of the association.

Power to make by-laws.

4. The said corporation shall have power to form a code of by-laws, not inconsistent with the laws of this province or of the Dominion, for fixing the terms of admission of its members, for the election and guidance of its officers and committee of management, and determining or changing the number thereof, and for the general regulation and management of its affairs, which, when adopted at a regular general meeting, shall, until modified or rescinded, be equally binding as this act, upon the institution, its officers and members.

By-laws of the institution to be those of corp.

5. The by-laws of the said institution, not being contrary to law, shall be the by-laws of the said corporation, until they shall be repealed or altered as aforesaid.

Annual report to legislature.

6. The said corporation shall be bound to make an annual report to the legislature, containing a general statement of the affairs of the corporation, within the first twenty days of every session of the legislature.

CAP. LVII.

An Act to incorporate the National Institute of Fine Arts, Sciences, Arts, Trades and Industries.

[Assented to 23rd February, 1875.]

WHEREAS there has existed for more than five years in ^{Preamble.} the city of Montreal, a school known as The National Institute of Fine Arts, Sciences, Arts, Trades and Industries, the object whereof is artistic and industrial instruction, an institution so necessary to the Canadian population, endowed with a remarkable aptitude for the arts in general; and whereas this school has till this time been exclusively supported by certain particular rate-payers, specially by devotion of its founder the Abbé Chabert; Côme Séraphin Cherrier, Louis Amable Jetté, Charles A. Leblanc, Victor Hudon, Amable Jodoin, junior, John Pratt, Alexis Dubord, John A. Leclerc, Louis Onézime Loranger, and Laurent Olivier David, all of the city of Montreal, desire to associate themselves in this undertaking, and to procure the means of the continuance and progress, which they cannot secure while it remains an individual enterprise, and have, by petition, prayed to be incorporated under the name of "The National Institute of Fine Arts, Sciences, Arts, Trades and Industries;" and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said Côme Séraphin Cherrier, Louis Amable Jetté, Charles A. Leblanc, Victor Hudon, Amable Jodoin, junior, John Pratt, Alexis Dubord, John A. Leclerc, Louis Onézime Loranger, Laurent Olivier David, and all others ^{Certain persons incorporated.} who are or may become members of the said corporation created by this act, shall be and are hereby incorporated with all the rights to corporations belonging, under the name of "The National Institute of Fine Arts, Sciences, Arts, Trades and Industries," and as such may acquire, ^{Name of the corp.} hold and enjoy any personal or real estate, useful or necessary for the requirements of the said corporation, or ^{Its general powers.} others, to maintain a school, whose object shall be artistic and industrial instruction, in any part of the province of Quebec; provided that the annual value of such real estate ^{Proviso:} do not exceed the sum of forty thousand dollars, and may lease, sell, hypothecate or alienate the same at any time, and acquire other instead thereof, as occasion may require.

2. The affairs of the said corporation shall be managed ^{Officers.} by such officers as shall be elected under by-laws made in

that behalf, and under such restrictions, touching the powers and duties of such officers as may be provided by the said by-laws, and the corporation may assign to any such officers such remuneration as they may deem necessary.

Power to pass
by-laws.

3. The corporation may make such by-laws, not contrary to law, as they shall deem expedient for the administration and government of the corporation, and may repeal or amend the same, from time to time, observing always, however, such formalities as by such by-laws may be prescribed to that end, and generally shall have all the corporate powers necessary to the ends of this act.

By-laws of the
association to
be those of the
corp.

4. The by-laws made or to be made by the said association, not being contrary to law, shall be the by-laws of the said corporation.

First officers.

5. The persons hereinabove named shall be the first officers of the said association, and shall remain in office until the second Wednesday of October next, and then shall be held a meeting of the members of the said association, who shall elect other or the same directors, and so on every year.

Members.

6. The persons not yet being, but desirous of becoming members of the said association, may do so by observing the rules of the said association.

Certain agree-
ments made by
officers shall
be binding on
corp.

7. All certificates of admission, diplomas, bargains and agreements made and signed by the president and secretary-treasurer of the said corporation, thereto duly authorized at a meeting of the directors of the said association, shall be binding on the said association, and the said signatures of the president and secretary-treasurer of the said corporation, shall be *prima facie* evidence that such certificates of admission, diplomas, bargains and agreements have been duly authorized by the said board of directors.

Subscriptions,
&c., recover-
able in justice.
Resignation of
members.

8. All subscriptions, penalties, amounts of purchase or sale, due to or by the said corporation, may be recovered by suit; but any member may withdraw from the said association, at any time, on payment of all amounts by him due to the corporation, either as contributions or otherwise, and any sum by him thus paid shall remain the property of the said corporation, and he shall be entitled to claim nothing of the same.

Annual reports
to legislature.

9. The said corporation shall be bound to make an annual report to the lieutenant-governor, and to the two houses of the legislature, containing a general statement of its affairs, which said report shall be presented within the first twenty days of each session of the legislature.

CAP. LVIII.

An Act to incorporate "The Metropolitan Club" of Montreal.

[Assented to 23rd February, 1875.]

WHEREAS the persons hereinafter named, with a large Preamble.
 number of others in the city of Montreal, have associated themselves for the establishment of a club for social purposes, and have prayed to be incorporated by the name of "the Metropolitan Club," and it is expedient to grant the prayer of their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The following persons, namely : Robert Archer, William B. Chapman, Edward A. Whitehead, William W. Watson, C. Alexander Delisle, E. Cornwallis Monk, Frederick B. Mathews, and such other persons as are now members or shall hereafter become members of the said association, under the rules and regulations of the said association, shall be and are hereby declared to be a body politic and corporate in deed and in name by the name of "the Metropolitan Club," for the above purposes, and shall, by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, exchange, take and receive, to them and their successors, all lands, tenements and hereditaments, and all real or immovable estates being and situate in the city of Montreal or its vicinity, necessary for the actual use and occupation of the said corporation for the purpose for which they are created, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof, whensoever the said corporation may deem it proper so to do, but such real estate shall not exceed the annual value of ten thousand dollars currency; and the constitution, rules and regulations now in force touching the admission and expulsion of members and the management and conduct generally of the affairs and concerns of the said association, in so far as they are not inconsistent with the laws of this province, shall be the constitution, rules and regulations of the said corporation; provided always, that the said corporation may, from time to time, alter, repeal and change, in whole or in part, such constitution, rules and regulations in the manner provided by the constitution, rules and regulations of the said corporation.

Certain persons incorporated.

Name of the corp.

Its general powers.

Acquirement of properties, limited.

Previous by-laws, &c.

Proviso:

Properties and
debts of ass.
transferred to
the corp., &c.

2. All property and effects now owned by, or held in trust for the said association, are hereby vested in the said corporation and shall be applied solely to purposes of the said corporation, and all debts, claims for subscriptions or contributions of members and other rights accruing to the said association under its constitution, rules and regulations, shall be vested in the corporation constituted by this act; and the said corporation shall be charged with the liabilities and obligations of the said association.

Individual
liability,
limited.

3. No member of the corporation shall be liable for any of the debts thereof beyond a sum which shall be equal to the amount of the original entrance fee and the respective share of every member in the amount of the subsequent contributions or divisions which might hereafter be levied or allotted between all the members of the club for the time being, in equal shares, and which might remain unpaid by such member; and any member of the corporation, not being in arrears, may retire therefrom, and shall cease to be such member, on giving notice to that effect, in such form as may be required by the constitution, rules and regulations thereof, and thereafter shall be wholly free from liability for any debt or engagement of the club; and every member expelled or retiring from the club, or whose name shall have been struck out of the list of members, for any of the reasons mentioned in the constitution, rules and regulations of the club, shall, *ipso facto*, forfeit all rights of membership.

Resignation.

Forfeiture of
rights.

Officers.

Their remuneration.

Their powers.

4. The said corporation shall have power to appoint such officers, administrators and servants as may be required for the due management of its affairs, and to allow them respectively a reasonable and suitable remuneration; and all the officers so appointed may exercise such other powers and authorities, for the due management and administration of the affairs of the said corporation, as may be required of them by the constitution, rules and regulations of the said corporation.

Appropriation
of the revenues

5. The rents, revenues and profits arising out of every description of movable and immovable property belonging to the said corporation shall be appropriated and employed to the exclusive use of the said corporation, to the construction and repairs of the buildings required for the purposes of the said corporation, and to the payment of expenses legitimately incurred in carrying out any of the objects relating to the aforesaid purposes.

Coming into
force.

6. This act shall come into force the day of its sanction.

CAP. LIX.

An Act to incorporate "The Hervey Institute."

[Assented to 23rd February, 1875.]

WHEREAS an institution called the "Home and School of Industry," hath been in existence in the city of Montreal for over twenty-five years, its object being to provide a home for destitute children, and educate them to habits of industry; and whereas it is expedient to accede to the prayer of the managers thereof, asking that for the better attainment of its objects, and to do good on a larger scale, such as a temporary home for young women coming from abroad in search of employment, if thought advisable, it be incorporated under the name of "The Hervey Institute;" Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Miss Eliza M. Hervey, and Madame Margaret M. Perkins, Mary Holmes, Mary Louisa Clark and Eleanor M. Spicer, and such other persons as now are or may hereafter be associated with them in conformity with this act, and their successors, are hereby constituted and created a body corporate and politic, with all the rights incident to corporations, by the name of "The Hervey Institute," for the purposes aforesaid.

Certain persons
incorporated.

Name of the
corp.

2. The said corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same, when and as often as they shall think proper, and may under the said name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted in all courts and places whatsoever in this province; and by the same name, they and their successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain to and for the use of the said corporation all lands and property, movable and immovable, which are now held in trust for it or which may hereafter be sold, ceded, exchanged, given, bequeathed or granted to the said corporation; provided that the annual revenue of the said corporation do not exceed fifteen thousand dollars; or to sell, alienate, convey, let or lease the same, if need be.

Its general
powers.

Proviso.

3. The officers of the said corporation shall consist of a president, vice-president, secretary, treasurer and a committee of management of not less than five members, and such other officers as shall from time to time seem ne-

Act 15 V., ch.
142 amended.

cessary to the corporation. The officers shall be chosen from among the members of the corporation, and the president, secretary and treasurer shall be *ex officio* members of the said committee.

By-laws.

4. The said corporation shall have power to form by-laws, not inconsistent with the laws of the province, or of the dominion, for fixing the terms of admission of its members, for the government of the same, for the election of, changing and altering the officers above named, and for the general regulation and management of its officers, which by-laws, when formed and adopted at a regular meeting shall, until modified or rescinded, be equally binding as this act, upon the corporation, its officers and members.

C A P. L X.

An Act respecting "The Methodist Church of Canada."

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the church heretofore known in the provinces of Ontario, Quebec, Manitoba, and British Columbia as "The Wesleyan Methodist Church in Canada in connection with the English Conference," and the church heretofore known in the provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, and in the Bermuda Islands, as "The Wesleyan Methodist Church of Eastern British America," and the church heretofore known in the provinces of Ontario and Quebec as "The Methodist New Connexion Church of Canada," have united and formed themselves into one church under the name of "The Methodist Church of Canada," the terms of such union having been previously assented to by the said three respective churches, and by the British Wesleyan conference, and the English New Connexion conference; and whereas at a general conference of the said united church, held at the city of Toronto, in the months of September and October last, and composed equally of ministers and laymen, such union was confirmed; and whereas the said general conference have, by their petition, prayed that an act might be passed to vest in the united church all real and other property hitherto held in trust by or for the use of the said three first-mentioned churches respectively, and that the respective acts incorporating the several trust funds, institutions and societies of the said three first-mentioned churches might be amended as required in consequence of the union of the said churches; and for such other purposes

as might be necessary in order fully to carry into effect such union ; and it is proper that the prayer of such petition should be granted ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The real and other property held by, or in trust for Properties vested in trust in Meth. C. of Canada. "The Wesleyan Methodist Church in Canada, in connexion with the English Conference," "The Wesleyan Methodist Church of Eastern British America," and "The Methodist New Connexion Church of Canada," at the time of the said union of the said three churches, in so far as the said properties are situated in the province of Quebec, is hereby declared to have become vested in trust for the use of the said Methodist Church of Canada, according to the discipline of said church as fully and effectually as the same was previously vested in, or held in trust for, the said three first-mentioned churches respectively.

2. The act of the province of Canada, 15th Victoria (1851), Act 15 V., c. 142 amended. chapter 142, intituled : "An Act to incorporate the Benevolent Societies of the Wesleyan Methodist Church in Canada," is hereby amended, as follows :—Since the union of the said three first-mentioned churches as aforesaid, the provisions of the said act shall be held and construed to apply to the Methodist Church of Canada, and wherever the the words, "The Wesleyan Methodist Church in Canada, in connection with the English Conference," or "The Wesleyan Methodist Church in Canada," occur, there shall be substituted instead thereof the words, "The Methodist Church of Canada," where such change can be made.

3. The fourth section of the said last-mentioned act is S. 4 of said act amended. amended by striking out at the end of the said section the words, "The said Conference of the Wesleyan Methodist Church in Canada," and substituting instead thereof, "The General Conference of the said Methodist Church of Canada, or the Executive Committee thereof."

4. All the present by-laws, rules, and regulations of the superannuated ministers' fund society of the former Wesleyan Methodist Church in Canada, shall remain in force, Certain by-laws shall remain in force. except as they may have been changed or superseded by the constitution of the above-mentioned union, or of the superannuation society of the said Methodist Church of Canada, adopted at the said general conference and printed in the said book of discipline, or as they may hereafter be changed at any general conference.

CAP. LXI.

An Act to amend "An Act to incorporate the managers of the Ministers' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland," and amendments thereto.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS by Petition it hath been represented that the Synods of the Presbyterian Church of Canada, in connection with the Church of Scotland, of the Church of the Maritime Provinces in connection with the Church of Scotland, and of the Presbyterian Church of the Lower Provinces and the General Assembly of the Canada Presbyterian Church, have agreed to unite together, and to form one body or denomination of Christians, under the name of "The Presbyterian Church in Canada," and that the act of the Province of Canada, 10 and 11 Victoria, chapter 23, intituled: "An Act to incorporate the managers of the Ministers' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland," and amendments thereto, require to be amended with a view to such union, and in order to the carrying into effect of certain resolutions passed by the synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, with reference to said fund, and for the protection of those interested in the same; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Fund of Ministers' wid. and orph., &c.

1. Notwithstanding anything in the said act, and the amendment or amendments thereto contained, and notwithstanding that from and after the time when a notice shall have been published in the *Quebec Official Gazette*, to the effect that the moderators of the aforesaid churches negotiating for union have signed the terms of union agreed upon, the Presbyterian Church of Canada, in connection with the church of Scotland shall have ceased to exist as a separate church, the fund presently existing for the benefit of the ministers' widows and orphans of the said church shall continue for the benefit of the widows and orphans, of those ministers who shall have been members of the synod of the said church at the date of union.

Managers of said fund.

2. Those persons who shall be managers of the said fund at the date of union shall not require to be elected periodically as hitherto, but shall continue to be the managers thereof, unless they resign, so long as they shall re-

main members or adherents of the united church, until they are relieved of their office in the manner hereinafter provided for ; and in the event of the resignation, decease or withdrawal from the communion of the united church of any member or members of the board, the remaining members shall have power to fill up such vacancy or vacancies, provided the person or persons so chosen shall be ministers whose rights in the fund are guaranteed by this act, or members or adherents of their congregations ; and the Board so constituted shall have power to hold all moneys, properties and mortgages, and to exercise all the rights appertaining to the present board of managers ; and they are hereby authorized to receive such legacies and bequests as may be made for the benefit of the said fund.

Vacancies.

Powers of the board.

3. After the union, until such time as an equitable arrangement for the establishment of a ministers' widows' and orphans' fund for the united church shall have been made, the widows and orphans entitled to receive annuities from the said fund at the date of union, or the widows and orphans of those ministers who at the date of union are members of the synod aforesaid, and had contributed personally and through their congregations to said fund, in terms of the by-laws thereof, shall receive annuities at a rate not lower than the scale fixed by this board previous to the date of union, if the funds permit ; provided that the ministers whose widows or orphans shall be placed on the list of annuitants on the said board, after the union, shall have continued to contribute to the said fund six dollars semi-annually as heretofore, and shall have secured annual contributions from their congregations to said fund.

Annuities.

Conditions.

4. As soon as an arrangement for the establishment of a fund for the benefit of the ministers' widows and orphans of the united church, satisfactory to this board, as representing the interests of the widows and orphans of those ministers who had formerly belonged to the Presbyterian Church of Canada in connection with the Church of Scotland, shall have been made by the supreme court of the united church, this board shall be empowered to hand over to such board or committee as may be created for the management of such new fund for the benefit of the widows and orphans of the ministers of the united church, all moneys, properties and mortgages they shall at the time hold ; provided always, that no widow or orphan of a minister, who had formerly belonged to the Presbyterian Church of Canada in connection with the Church of Scotland, shall receive less annuities from the fund of the united church than would have pertained to them, in terms of the

New Fund.

Remittance.

Proviso:

scale in force by this board at the date of union, if the said churches had not united.

Rights of ministers declining to enter into united church.

Proviso:

5. In the event of any minister or ministers of the synod of the Presbyterian Church of Canada in connection with the Church of Scotland, who shall possess rights in this fund at the date of said union, declining to enter into the united church, he or they shall be entitled to the same pecuniary rights and claims in and upon said fund, after such union, as shall be possessed by them previous to said union; provided those ministers thus declining to enter the united church, continue to contribute to the fund, personally, six dollars semi-annually, and, except in the case of ministers who have retired from the active duties of the ministry, with the consent of the said synod of the Presbyterian Church of Canada in connection with the Church of Scotland, to secure contributions for it from their congregations or otherwise, and comply with such other regulations as may be made, after the union, for the management of the fund.

Previous provisions inconsistent, repealed.

6. All provisions contained in any previous act, or amendment thereto, inconsistent with the provisions of this act, relating to the said managers of the ministers' widows' and orphans' fund, are hereby repealed.

C A P. L X I I .

An Act respecting the Union of certain Presbyterian Churches therein named.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the Canada Presbyterian Church, the Presbyterian Church of Canada in connection with the Church of Scotland, the Church of the Maritime Provinces in connection with the Church of Scotland, and the Presbyterian Church of the Lower Provinces, have severally agreed to unite together and form one body or denomination of Christians under the name of "The Presbyterian Church in Canada;" and the moderators of the general assembly of the Canada Presbyterian Church, and of the synods of the Presbyterian Church of Canada in connection with the Church of Scotland, and the Church of the Maritime Provinces in connection with the Church of Scotland, and the Presbyterian Church of the Lower Provinces, respectively, by and with the consent of the said general assembly and synods, have by their petitions, stating such agreement to unite as

aforesaid, prayed that for the furtherance of this their purpose, and to remove any obstructions to such union which may arise out of the present form and designation of the several trusts or acts of incorporation, by which the property of the said churches, and of the colleges and congregations connected with the said churches, or any of them respectively, are held and administered or otherwise, certain legislative provisions may be made in reference to the property of the said churches, colleges and congregations situate within the province of Quebec, and other matters affecting the same in view of the said union; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. As soon as the union take place, all property, real or personal, within the province of Quebec, now belonging to, or held in trust for, or to the use of any congregation in connection or communion with any of the said churches, shall thenceforth be held, used and administered for the benefit of the same congregation in connection or communion with the united body, under the name of "The Presbyterian Church in Canada," or any other name the said church may adopt.

Properties of the united churches.

2. Provided always, that if any congregation in connection or communion with any of the said churches decide, at any meeting of the said congregation regularly convened, according to the rules of the said congregation, or the custom of the church with which it is in connection, and held in the two years after such union, by the majority of the votes of those who, according to the rules of the said congregation, or the custom of the church with which it is in connection, are entitled to vote at such meeting, not to form part of the said union, but on the contrary to separate itself therefrom, then and in such case, the property of the said congregation shall not be affected by this act, nor by any of the provisions thereof; but in the event of any congregation, after having refused, subsequently agreeing to join with the said united church, then, from and after the day on which such resolution shall have been passed, this act and the various provisions thereof shall apply to the property of such congregation.

Case of disunion.

3. Congregations may from time to time alter or vary any of the provisions contained in the trust deeds under which their property is held, or in their constitutions, which relate to the mode in which their affairs and property shall be managed or regulated, and to the persons who shall be entitled to take part in such management, or to vote at meetings of the congregation, on questions affecting the affairs

Power to alter the mode of management of the affairs.

and property of the congregation or the management thereof; but the sanction of the presbytery under whose care such congregation is placed shall be obtained before any such alteration or variation shall take effect.

Power to acquire property by trustees.

4. Whenever any congregation, society or mission, in communion or connection with said united church, shall hereafter be desirous of acquiring any land, or real property of any description whatsoever, for the site of any church, chapel, meeting-house, school, manse, glebe, burial-ground, or appurtenances thereto, the same may be acquired by trustees for any one or more of the said objects, which shall be designated in the deed of acquisition, and by any name assumed in said deed, sufficient to show the connection or communion of its members with said united church, and the locality where such congregation, society or mission is to be established; and such deed shall not require to be registered at any prothonotary's office, but shall be subject to the ordinary laws of registration applicable to individuals, and such congregation, society or mission shall be entitled to acquire, take and hold lands and real estate, for the purposes aforesaid, without license, in mortmain.

Vacancies in the office of trustees.

5. For the relief of any of the said congregations, missions or societies in connection or communion with the churches or religious bodies aforesaid, in this province, whose deeds of trust heretofore executed, or acts of incorporation heretofore obtained, made no provision for the filling up from time to time of trusteeships vacant by death, removal from the province, or resignation of trustees, and whose property is held under a conveyance to the trustees and their heirs, or to the trustees and their successors, or otherwise, and to regulate in regard to the future acquisition of property as well by congregations, missions or societies, either already formed, or which may be hereafter formed, any such congregation, or the members composing such mission or society, may from time to time meet together, upon notice by the ministers from the pulpit, or at the requisition in writing of any ten persons entitled to vote as hereinafter mentioned (notice of the day, hour and place of such meeting, in either case, being first publicly made in the church or place of meeting for public worship, on two Sabbath days next before such meeting shall be held), and then and there, at such meeting, so convened by a majority of those present and entitled to vote, to elect and appoint new trustees in the room of such trustees as shall have removed from the province, resigned or died, and thereupon the property of the congregation shall *ipso facto* become vested in such newly-elected trustees jointly, and with the remaining trustees, if any; and such trustees and their successors to

New trustees.

Their powers.

be appointed as aforesaid, shall have full power and authority to hold and administer the trust or corporate property of such congregation; provided always, that the said newly-elected trustees shall be members of the said united body in full communion therewith; and those entitled to vote, where there is no provision on the subject as aforesaid, shall be all persons who are members in full communion with said congregation and church.

Proviso:

Wright to vote.

6. Trustees or other administrators of corporate or trust property of any congregation in connection or communion with the said united body, may, with the consent of the congregation, or of a majority of those entitled to vote at a meeting convened to consider the matter (as provided either by their trust deed or by section number 5 of this act, for the election of trustees in case of vacancies, as the case may be), mortgage, sell or exchange any real estate belonging to or holden for the use or in trust for the said congregation, for the purpose of repairing or securing the debt on any building thereon erected, or of erecting other or more suitable churches, manses or glebes, or schools, in any other locality that they may deem best, or of purchasing other and more suitable churches, manses, glebes or schools; provided, nevertheless, that such mortgage, sale or exchange be first sanctioned by the presbytery under whose care such congregation is placed.

Power of trustees to dispose of real estate, for certain ends.

Sanction required.

7. Clergymen of said united Church shall have the right to solemnize marriage, and to keep registers of civil status, and therein to record births, marriages and deaths, in conformity to the provisions of the Civil Code in this behalf. Any such registers at present in use by any of the clergymen of the religious bodies so to be united, may be continued after the union for the current year, as if this act had not been passed and no union had taken place; and the united body and the several clergymen thereof shall, besides, have, for the purposes of such registers, all the powers that either of the said bodies, or the respective clergymen thereof, had before the union.

Registers of civil status.

8. All other property, real or personal, belonging to or held in trust for the use of any of the said churches or religious bodies, or for any college or educational or other institution, or for any trust in connection with any of the said churches or religious bodies, either generally, or for any special purpose or object, shall from the time the said contemplated union takes place, and thenceforth, belong to and be held in trust for and to the use in like manner of "The Presbyterian Church in Canada," or for, or to the

Properties of churches, after the union.

use in like manner of the said college, educational or other institution or trust in connection therewith.

Their manage-
ment.

9. But all such property, real or personal, as is affected by this act, shall in all respects, save as aforesaid, be held and administered, as nearly as may be, in the same manner and subject to the same conditions, as provided by the deeds of trust, acts of incorporation, or other instruments or authority under which the same is now held or administered.

Relation of
certain insti-
tutions after
the union.

10. As soon as the said union takes place, the corporation of the Presbyterian college of Montreal shall in like manner stand in the same relation to the Presbyterian Church in Canada, as it now stands to the Canada Presbyterian Church; and the provisions of the act of the late province of Canada, 28 Vic., cap. 53, intituled: "An Act to incorporate the Presbyterian College of Montreal," shall continue to apply to said college and corporation; and all the rights, powers and authorities by said act vested in the synod of the Canada Presbyterian Church shall be vested, apply to, and be exercised by the supreme court of the Presbyterian Church in Canada. And in like manner the corporation of Morrin College shall stand in the same relation to the Presbyterian Church in Canada, as it now stands to the Presbyterian Church of Canada in connection with the Church of Scotland; and all the provisions of the act of the late province of Canada, 24 Vic., cap. 109, intituled: "An Act to incorporate Morrin College, of Quebec," shall continue to apply to said college; and all the rights of the synod of the Presbyterian Church of Canada in connection with the Church of Scotland shall be vested in the supreme court of the Presbyterian Church in Canada; and all the rights, powers and authorities vested by the said act in the minister and congregation of St. Andrew's Church, Quebec, shall continue to be held and exercised by said minister and congregation in connection with the Presbyterian Church in Canada; provided always, that the said united church shall not be required to elect trustees for any arts department in Morrin College aforesaid.

Proviso:

Board of the
Temporalities
Fund.

11. Whereas the ministers of the said Presbyterian Church of Canada in connection with the Church of Scotland are entitled to receive incomes from a fund called the Temporalities Fund, administered by a board incorporated by statute of the heretofore province of Canada, and it is proposed to preserve to them, and to their successors, even if the congregations over which they preside do not enter into the union, the income which they derive from the said fund; it is therefore enacted that the present members of the said board shall continue in office and manage the said fund

Members actu-
ally in office.

on behalf of the said ministers now deriving revenue therefrom, and the income to said ministers shall be continued to them and to their successors, as aforesaid, so long as such Presbyterian ministers are in good standing in the Dominion of Canada, whether exercising their ministry or retired, or whether they are, or are not, in connection with the united church; provided that the successors of ministers of congregations, in the province of Quebec, in existence at the period of the union, and not entering into the same, shall preserve the same rights to the benefits of the temporalities fund, as they would have had, if such union had not occurred. So soon as any part of the revenue accruing from said fund is not required to meet the payment of said incomes and other vested rights in the fund, and expenses therewith, the same shall pass to and be subject to the disposal of the said united church; and any part of said fund that may remain to the good after the death of the last survivor of the said ministers, shall thereupon pass to and be subject to the disposal of the supreme court of said united church, for the purpose of a home mission fund for aiding weak charges in the united church; and vacancies in the meantime occurring in said board shall not be filled up in the manner hitherto observed, but shall be filled up in the manner provided by an act passed during the present session, intituled "An Act to amend the Act, intituled: 'An Act to incorporate the board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland.'"

Provide:

Remittance to the united church.

Case of vacancies in the board of manag.

12. And whereas "the Canada Presbyterian Church," and "the Presbyterian Church of Canada in connection with the Church of Scotland," have each of them a fund for the benefit of widows and orphans of ministers pertaining to them respectively, and it is not deemed desirable that two such funds should long exist separately after the union, nor that there should be two separate organizations for the management thereof; it is therefore enacted, that said two funds shall be kept separate, and the separate and distinct management and administration thereof continued by the boards respectively having the management and control thereof at the time of the union, so long only, and until the supreme court of said united church shall have made provision for the amalgamation of said two funds and the management thereof; whereupon the said two separate organizations shall become extinct, and the said two funds shall pass to and vest in the trustees, body or persons indicated for the management thereof by the said supreme court; and until such provision is made, vacancies occurring in either of said respective organizations shall not be filled up as

Management of certain funds till their amalgamation.

Who shall administer said funds.

hitherto, but shall be filled up by the remaining members of each of said organizations for their respective bodies.

General power
to acquire, &c.

Certain pro-
perties revert-
ed after 7
years.

13. As soon as the said union takes place, the Presbyterian Church in Canada, and any college, educational or other institution or trust in connection with the said Church, and any of the religious, educational or charitable schemes of the said Church, and any congregation of the said Church, in the province of Quebec, may, by the name thereof, or by the trustees, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, other than what may be required for the site of any church, chapel, meeting-house, school, manse, glebe, burial-ground, or appurtenances, if such gift, devise, or bequest be made at least six months before the death of the person making the same; but no lands, tenements or interests therein so acquired by gift, devise or bequest, other than what may be required or destined for the site of any church, chapel, meeting-house, school, manse, glebe, burial-ground or appurtenances, shall be held for a longer period than seven years after the acquisition thereof, and any part or portion thereof or interest therein, which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives, and the proceeds of such property as shall have been disposed of during said period may be invested in public securities, municipal debentures, stocks of the chartered banks, or other approved securities.

Notice of the
union in
Q. O. G.

14. The union of the said four Churches shall take place, so soon as a notice shall have been published in the *Quebec Official Gazette*, to the effect that the articles of said union have been signed by the moderators of the said respective Churches.

General autho-
rization of Q. L.

15. In so far as it has authority to do so, the legislature of the province of Quebec, hereby authorizes the Dominion legislature, and the several legislatures of the other provinces, to pass such laws as will recognize and approve of such union throughout and within their respective jurisdiction.

CAP. LXIII.

An Act to enable the Lord Bishop of Montreal, with the consent of the "Rector and Churchwardens of Trinity Church," Montreal, to borrow money and hypothecate the property of said church therefor.

[Assented to 23rd February, 1875.]

WHEREAS "The Rector and Churchwardens of Trinity Church," in the city of Montreal, have, by their petition, prayed for authority to the Lord Bishop of Montreal, in whom the lot of land on which said church is built, and the said church, and other buildings thereon erected are vested, to borrow a sum or sums of money, not exceeding in the aggregate, the sum of thirty thousand dollars, currency, and to hypothecate said lot of land, church and other buildings as security therefor; and it is expedient to grant the prayer of said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. It shall be lawful for the Lord Bishop of Montreal, ^{Power to borrow.} for the time being, with the consent of the Rector and Churchwardens of Trinity Church, in the city of Montreal, for the time being, to borrow a sum or sums, not exceeding in the whole thirty thousand dollars, currency, from such party or parties as may be willing to lend the same, and at such rate of interest, and on such terms and conditions as may be agreed upon, and, for securing the repayment of the sum so borrowed, to hypothecate, with ^{Hypothec.} the consent aforesaid, that certain lot of land, known and designated on the official plan, and in the book of reference for St. Louis ward of the said city, as lot number one hundred and sixty-five, on which said church is erected, and the said church and all other buildings on said lot erected and being; and, in default of due payment of any sum for securing which the said lot of land, church and buildings shall be hypothecated as aforesaid, the said lot ^{Its effect.} of land, church and buildings may be seized in execution, in satisfaction of any judgment obtained for such sum, sold by the sheriff and adjudged, and belong to, and may be dealt with by the purchaser (*adjudicataire*,) in like manner as any other real property seized and sold in execution, and notwithstanding the said church and premises may have been set apart, consecrated, and used for public worship, any law, usage or custom to the contrary notwithstanding; provided always, that from and out of the ^{Proviso:} amount so to be borrowed under this act, the sum of six

thousand pounds currency be fully paid off and discharged, which was borrowed under the authority of the act of the Legislature of the late province of Canada, passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, intituled: "An Act to enable "The Lord Bishop of Montreal, with the consent of the "Incumbent and Churchwardens of Trinity Church, Montreal, to raise a loan or loans on certain church property, "for the purpose of completing Trinity Church."

CAP. LXIV.

An Act to amend the Act intituled "An Act to incorporate the Board for the Management of the Temporalities Fund of the Presbyterian Church of Canada, in connection with the Church of Scotland."

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS by petition it hath been represented that the synods of the Presbyterian Church of Canada in connection with the Church of Scotland, of the Church of the Maritime Provinces in connection with the Church of Scotland, of the Presbyterian Church of the Lower Provinces and the General Assembly of the Canada Presbyterian Church have agreed to unite together, and to form one body or denomination of Christians, under the name of "The Presbyterian Church in Canada;" and that the "Act to incorporate the Board for the management of the temporalities fund of the Presbyterian Church of Canada in connection with the Church of Scotland," and amendments thereto, require to be amended with a view to such union; and in order to the carrying into effect of certain resolutions passed by the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland with reference to said temporalities fund, and for the protection of those interested in the same; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Management of
temporalities
fund, after the
union.

1. Notwithstanding anything in the said act and amendment or amendments thereto, from and after the time when the moderators of the aforesaid churches negotiating for union shall have signed the terms of union agreed upon, until all the present vested rights of all ministers and probationers shall have ceased or lapsed, the said temporalities fund shall remain as at present in the hands of a board, the membership of which shall be continued after the consummation of union in the manner hereinafter provided: and

the administration of the fund shall continue on the same principles and for the same purposes as at present, until the vested rights of all ministers and probationers shall have lapsed; and these rights shall be held to be the following:

(1.) The annual receipt by ministers now receiving four hundred and fifty dollars (\$450), four hundred dollars (\$400), or two hundred dollars (\$200), of the same amount during their lifetime and good standing in the church. Rights of certain ministers.

(2.) The annual receipt of two thousand dollars (\$2,000). Rights of Queen's college. in perpetuity, by the treasurer of Queen's college, for the use and benefit of the said college.

(3.) The annual receipt of two hundred dollars (\$200) Rights of ministers of the synod, probat. and licentiates. by all the ministers who shall be on the synod roll, and by all recognized probationers and licentiates engaged in active service at the time of the union, during the lifetime and good standing in the Church of such ministers, probationers and licentiates; all salaries of two hundred dollars to be increased to four hundred dollars Salaries increased. (\$400) each, when the recipients of them shall have retired, or who have already retired in the province of Quebec, with the consent of the Church from the active duties of the ministry. The temporalities board shall, if necessary, draw upon the capital of the fund in order to meet the aforesaid requirements. So soon as any part of the revenue accruing from said fund is not required to meet the payments of said incomes and other vested rights in the fund, Remittance to the united church. and expenses therewith, the same shall pass to and be subject to the disposal of said united church; and so soon as the fund or any part of it, shall no longer be required for these purposes, it shall, with the exception of the aforesaid annual payment to Queen's college of two thousand dollars (\$2,000), or the same capitalized (and the board shall have power at any time after the passing of this act to capitalize the same, and pay it over to the treasurer of Queen's college for the use and benefit of the said college), be appropriated to a home mission fund for aiding weak charges in the united church.

2. Provided always, that all ministers and probationers Certain privileges of those not uniting them, re-served. interested or possessing rights in or to the said temporalities fund at the time when such union may be carried into effect, who decline to become parties to such union, or to enter into the said proposed united church, shall be entitled to all the pecuniary rights and claims upon the said fund they respectively had at the date of said union, and which they would have enjoyed had they entered into such union, that is to say, so long as they shall continue to be Presbyterian ministers in good standing within the Dominion of Canada, whether in active service or retired; provided that the successors of ministers of congregations in the pro-

Management:

Proviso.

vince of Quebec existing at the time of the union which do not enter into such union, shall retain the same rights to the benefits of the temporalities fund, which they would have had if such union had not taken place; and the said board shall administer the said fund so as to protect their rights until their said rights shall have respectively lapsed and been extinguished; provided also, that nothing contained in this act shall be so construed as to deprive any professor in Queen's college of any right to participate in the said temporalities fund to which, as a minister of the Presbyterian Church of Canada in connection with the Church of Scotland, he would have been entitled had he continued in the active duties of the ministry of the said church.

Vacancies in
the Board of
management

3. As often as any vacancy in the board for the management of the said temporalities fund occurs, by death, resignation or otherwise, the beneficiaries entitled to the benefit of the said fund may each nominate a person, being a minister or member of the said united church; or in the event of there being more than one vacancy, then one person for each vacancy, and the remanent members of the said board shall thereupon, from among the persons so nominated as aforesaid, elect the person or number of persons necessary to fill such vacancy or vacancies, selecting the person or persons who may be nominated by the largest number of beneficiaries but in the event of failure on the part of the beneficiaries, to nominate as aforesaid, the remanent members of the board shall fill up the vacancy or vacancies from among the ministers or members of the said united church.

Meeting of the
beneficiaries.

By-laws.

4. The said board of management shall, within twelve months after the passing of this act, call a meeting of the said beneficiaries at such time and place as may be found most convenient, and at such meeting the said beneficiaries shall have power to make by-laws regulating all matters relating to the mode in which notice of vacancies, occurring as aforesaid, shall be given to them, the time within which such notice shall be given, the form of nomination papers, the time after receiving notice of a vacancy within which the same are to be sent in, the person or persons to whom the same shall be sent and by whom the same shall be opened, the recording the result of such nominations and of the elections consequent thereon, and all other matters relating to or affecting such nominations and elections.

Annual report
of the board of
management.

5. The board of management of the said temporalities fund shall once in each year transmit by post to each beneficiary a printed statement of the affairs of said fund, and a report of the proceedings of the board for the preceding

year, containing such information as may be required by the by-laws to be passed, as hereinafter provided.

6. The books and affairs of the said board shall be audited once in each year by auditors appointed by the beneficiaries, in manner hereinafter provided. Books to be audited annually.

7. At the meeting to be called and held pursuant to section 4, the beneficiaries may make by-laws regulating the appointment of auditors, and all matters relating to the audit of the affairs of the fund, and to the annual statement and report to be made under section 5. Power to make by-laws.

8. The 3rd section of this act shall continue in force until the number of beneficiaries is reduced below fifteen; and so soon as the number is reduced below fifteen, the said board shall be continued by the remanent members filling up any vacancy or vacancies from among the ministers, or members of the said united church, and the auditors shall in like manner be appointed by the said board. Vacancies in the board.

9. All provisions contained in any previous act or amendment, inconsistent with the provisions of this act, relating to the said board for the management of the temporalities fund, are hereby repealed. Inconsistent provisions.

10. This act shall come into force so soon as a notice shall have been published in the *Quebec Official Gazette*, to the effect that the union of the said four churches has been consummated, and the articles of such union have been signed by the moderators of the said respective churches. Coming into force of this act.

C A P . L X V .

An Act to vest certain Real Estate in the Incumbent and the Church wardens of St. John's Church, of the Parish of St. John the Evangelist, in the Diocese of Montreal, with authority to sell the same, and to apply proceeds in payment of other lands, or towards the erection of a new Church.

[Assented to 23rd February, 1875.]

WHEREAS the Incumbent and the Church wardens of St. John's Church, of the Parish of St. John the Evangelist, in the Diocese of Montreal, represented by the Reverend Edmund Wood, the present Incumbent and Rector, and Reuben Taylor, and Charles G. Geddes, the present Preamble.

church wardens of said church, have, by their petition, set forth, that by deed of sale executed at the city of Montreal, on the twenty-first day of December, one thousand eight hundred and fifty-nine, before Maître Isaacson and his colleagues, notaries public, one Jean-Baptiste Brouillet dit Laviolette, sold and conveyed to the reverend John Benthune, in his capacity of rector of the parsonage or rectory of the parish of Montreal, acting for that effect as well for himself as such rector, as for his successor and successors in that office, certain property in the city of Montreal, now known as lot number five hundred and eighty-one (581), on the cadastral plan, St. Lawrence ward, measuring forty-two feet and nine inches, on St. Urbain street, and sixty-five feet six inches on Dorchester street;—That this property, was so acquired for ecclesiastical purposes, and a church known as St. John's church was thereon built, of which the said reverend Edmund Wood, has been and still is the incumbent:—That on the petition of the synod of the diocese of Montreal, this legislature, by act 35 Victoria, chap. 19, vested in the said synod, the power by any rule, regulation or canon, to subdivide the parish of Montreal, into two or more parishes, and subsequently a canon was passed by the said synod in conformity therewith, dividing the old parish of Montreal, into two separate parishes, one being the said parish of St. John the Evangelist, within the limits of which is situated the aforesaid property and church thereon erected:—That the said reverend Edmund Wood is the incumbent, and is now also the rector of the said Parish church of St. John the Evangelist, so constituted by the said canon, a separate parish:—That by virtue of each subdivision of the old parish of Montreal, under the provisions of the said act, and of the canon passed by the said synod as aforesaid, the soil and freehold of said church, became vested in the said incumbent and church wardens and their successors in office:—That the said petitioners have registered a declaration or memorial of such transmission of the property in the registry office, for the registration division of the city of Montreal, in conformity with law:—That of late years, owing to the increasing number of the members of the said church of St. John the Evangelist, the accommodation afforded by the said church, is insufficient to supply the wants of the parishioners, and those who are members of and worshippers in the said church, and great inconvenience has arisen from the want of a larger church, to accommodate the rapidly increasing number of those who are regular attendants of and members of said church:—That it is the desire of the said petitioners, as also of the members of the said church, that a larger church should be built on a property recently secured for that purpose within the limits of the said parish of St. John the

Evangelist, and to that end, have prayed that the said petitioners should be authorized to sell the said property with the church and other appurtenances thereto belonging, upon such terms and in such manner as they may deem most beneficial, and to apply the proceeds in payment of such property so acquired to replace the same, or in the construction of a new church thereon; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of the Province of Quebec, enacts as follows :

1. The said lot of land known as number five hundred and eighty-one, on the cadastral plan of the St. Lawrence ward, of the city of Montreal, with the church thereon built, and other appurtenances thereto belonging, are hereby vested in the incumbent and the church wardens of St. John's church, of the parish of St. John the Evangelist, in the diocese of Montreal, as now constituted, and in their successors in office forever, upon trust, to hold the same to and for the uses and purposes ecclesiastical of a parish church, in the said parish of St. John the Evangelist, as constituted under the aforesaid act and canon, until the same shall be sold, as hereinafter provided.

Certain lot of land transferred on certain conditions.

2. The said incumbent and church wardens, and their successors in office, are hereby authorized to sell the said lot of land, church thereon erected, and other appurtenances thereto belonging, at public auction, or by private sale, for cash or on credit, or part cash, and part credit, secured in such manner as to them shall seem fit, and as they may deem most advisable, and to execute and convey an absolute title thereto to the purchaser or purchasers thereof, and to grant discharges for the purchase money to and in favor of such purchaser or purchasers.

Power to dispose of said lot, &c.

3. No person or persons, body or bodies corporate, who shall purchase the said lot of land, church and other appurtenances thereto belonging, shall be in any way bound to see to the application, or be answerable for the non-application of the said purchase money, or any part thereof.

Purchasers of it.

4. The purchase money to be derived from the said sale, shall be applied by the said incumbent and churchwardens, and their successors in office, towards the payment of the land secured within the limits of the said parish, for the site of the new church to be built, or towards the erection of the said new church thereon.

Appropriation of the revenue of the sale.

5. The said property so acquired for the purposes of erecting a new church, being the parcel of land situated

Property held in trust.

in the St. Lawrence ward, of the city of Montreal, composed of the sub-division, numbers 2, 3, 4, 5, 6, 7 and 8, of lot 168, of the official plans and books of reference of said ward, as also the church and other buildings to be thereon erected, shall be held by the said incumbent and churchwardens, and their successors in office, in trust, for the uses and purposes ecclesiastical of the said parish of Saint John the Evangelist, in the diocese of Montreal.

C A P. L X V I.

An Act to incorporate The St. Catherine Street Baptist Church of Montreal.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the minister, trustees and other members of the St. Catherine street Baptist Church of Montreal, by their petition, have prayed that they be incorporated under the name of the St. Catherine street Baptist Church, for the purposes mentioned in their said petition and hereinafter described; and whereas it is expedient to grant such prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

1. Joshua Donovan, Joseph Richards, Robert Barlow, T. James Claxton, Thomas Leeming, Walter M. Rice, Samuel W. Johnson, William Wright, David Bently, Duncan Macfarlane and Ninian Crawford, and all other persons who are now, or who may hereafter become members of the St. Catherine street Baptist Church, according to the principles and usages of the denomination of christians called Baptists, shall be and are hereby constituted a body politic and corporate, under the name of "The St. Catherine street Baptist Church."

Corporate name.

General powers.

2. The said corporation may acquire and hold by any description of title, lands and tenements, and immovable and movable property, for the actual use and benefit of the said church, and for mission chapels, parsonages and other religious and benevolent purposes, in the city and island of Montreal, affiliated thereto, or under the supervision and control thereof, and may from time to time, sell, alienate and hypothecate any such property, and apply the proceeds thereof, in furtherance of the purposes for which it is hereby authorized to acquire the same; provided the annual revenue does not exceed the sum of ten thousand dollars.

Proviso

3. The secular affairs of the said corporation shall be administered by a board of trustees, who must be selected from the members thereof, consisting of a treasurer and six trustees to be elected as hereinafter mentioned, of which board, one of the said trustees or the said treasurer, shall be the chairman, as may be ordered by a resolution thereof, and four of the said board shall form a quorum thereof, and at the time of the election of the said trustees, a clerk shall be in like manner elected, who shall make and keep among the archives of the said corporation, a minute book in which, in addition to the proceedings of meetings of the said corporation, shall be recorded the names of the members of the said church, which record shall be signed by the said clerk, and countersigned by the chairman of the last preceding meeting of the said corporation, whenever any diminution or increase is made, or takes place in the number of members thereof, and such record in the state and condition in which it is at any meeting of the members of the said church, shall be for the purposes of such meeting, conclusive evidence of membership.

Board of trustees.

Chairman.

Quorum.

Clerk.

List of the members.

4. The said board of trustees shall have power to manage and conduct all the ordinary business of the corporation as authorized by these presents, and by the rules and regulations herein provided for. But no sale, alienation or hypothecation of the immovable property of the said corporation, or of any part thereof, shall be made by the said board, unless it shall be approved of by three-fourths of the male members of the said corporation present in person at any annual meeting of the said corporation, or at any special meeting thereof called as herein provided.

Power of trustees.

Approval required.

5. An annual meeting of the members of the said corporation shall be held on the Friday following the first Sunday of December of each year, for the election of the said treasurer and trustees and of the said clerk, and for the transaction of all necessary business. And special meetings of the said corporation may be called at any time by the board of trustees, or by any twelve male members of the said corporation, and in the notice calling any such meeting, the purpose thereof shall be stated, and no other business shall be transacted thereat, other than the business so stated, and at all meetings of the corporation whether special or general, each member appearing as such upon the record of membership herein provided for, shall have one vote, except in deciding upon the sale, alienation or hypothecation of immovable property, which shall only be voted on by male members.

Annual meeting for election of officers, &c.

Special meetings.

Right to vote.

Power to make
by-laws.

6. The corporation shall have power to appoint a committee to prepare and make rules and regulations for the good government and management of the whole of the secular concerns and affairs of the said corporation, which however shall not have any force or effect until confirmed by the said corporation at an annual meeting of the members thereof, or at a special meeting called for that purpose. And by such rules and regulations, provisions may be made for the management of the financial concerns of the corporation, the mode of executing deeds and instruments of all kinds, the conduct and duties of the clerk and other subordinate officers of the corporation, the hearing and decision of complaints against members, and the mode of dealing with such complaints by censure, reproof or expulsion, or in such other manner as is usual among members of the said Baptist Church, the mode of giving notice of meetings of the corporation and all details of every nature and kind whatsoever of the management of the said corporation requisite for its good government. And such rules and regulations may be repealed and altered, from time to time, and new rules and regulations made, which, however, shall be suspended as to their effect until confirmed at a meeting of the said corporation as hereinbefore provided. But such rules and regulations shall not be contrary to law or to the provisions hereof, or to the rules and regulations passed by the members of the said church, on the twenty-sixth of February, eighteen hundred and seventy.

Proviso:

Property already acquired transferred.

7. The property already acquired by the said trustees for the benefit of the said church, and on which it is in course of erection is hereby vested in the said corporation, upon the terms and conditions on which it has been so acquired. But the corporation shall not at any time hold immovable property exceeding in annual value \$10,000 in addition to the said church, and the emplacement on which it is being erected, and shall at all times, when thereunto required by the lieutenant-governor, or either branch of the legislature of the province of Quebec, make a full return of their immovable property, and of their receipts and expenditures in respect thereof for such period: with such details and other information as the lieutenant-governor, or either branch of the legislature may require.

Proviso:

Report to the legislature, when required.

CAP. LXVII.

An Act to incorporate "The Academy of Music Company of Montreal."

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS William H. Hingston, Frederick Mackenzie, M. P., Thomas Davidson, Frank Bond, and William

Rose, have, by their petition to the Legislature, represented that they, with others, have formed an association under the name of "The Victoria Opera House Company," for the purpose of erecting and maintaining a building in the city of Montreal, to be used as an Academy of Music and Opera House, and for dramatic and other entertainments; and also, to be used as Shops, Offices, Halls and for other similar purpose, and have prayed for an act of incorporation; and whereas it is deemed advisable to change the name of the said association to "the Academy of Music Company of Montreal; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. William H. Hingston, Frederick Mackenzie, Thomas Davidson, Frank Bond, William Rose and all such persons as are now, or shall hereafter, become members of the said association or company, shall be and are hereby declared to be a body politic and corporate, under the name of "The Academy of Music Company of Montreal," and shall be entitled to acquire, hold, possess, take, receive, lease and dispose of, for the purposes of said corporation, any lands, tenements, hereditaments and real or immovable property in the city of Montreal, and to erect buildings, the whole not exceeding, in annual value, the sum of twenty thousand dollars.

Certain persons incorporated.
Name of the corp.
Its general powers.
Revenues limited.

2. The capital stock of the said company shall be one hundred thousand dollars, in shares of one hundred dollars each, with power to the said company to increase the same to two hundred thousand dollars, upon a resolution to that effect, passed by a majority of the shareholders present at a general meeting called for such purpose, and in this case the annual revenue may be increased to fifty thousand dollars.

Amount of the capital stock.
Increase.
Proviso:

3. The said corporation may borrow, either in this province or elsewhere, such sum or sums of money, as the directors may think proper, with the sanction of the majority of the shareholders, and may issue bonds therefor, and may give the bonds or obligations of said corporation as security for the sums so borrowed, and may mortgage or pledge the lands, revenues, and other property of the said corporation for the due payment of the said sums and interest.

Power to borrow.

4. The subscriber to the Victoria Opera House Company shall be relieved from his liability in respect of his subscription by reason of the change of name mentioned in

Subscribers to the V. Op. H. C.

the preamble of this act, but the subscription list to the Victoria Opera House Company shall be held to be the subscription list to the said Academy of Music Company incorporated by this act to answer all purposes of law.

Provisional
directors of
the corp.

5. The said William H. Hingston, Frederick Mackenzie, Thomas Davidson, Frank Bond and William Rose shall be the directors of the company until replaced by others duly named in their stead.

Joint S. gen. C.
act shall apply.

6. The joint stock companies' general clauses act shall apply to this act

Coming into
force of this
act.

7. This act shall come into force on the day of its sanction.

C A P. L X V I I I.

An Act to constitute the Parish of Sainte Pudentienne into a Municipality, for Municipal purposes.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS it is advisable to constitute the parish of Sainte Pudentienne into a municipality, for municipal purposes; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Municipality
erected.

1. The parish of Sainte Pudentienne, situate in the county of Shefford, as canonically and civilly erected, shall constitute a local municipality, working under the provisions of the municipal code, under the name of "the municipality of the parish of Sainte Pudentienne." The said municipality thus formed shall be a local corporation according to the provisions of the said code under the name of "the corporation of the parish of Sainte Pudentienne."

General
powers.

The said municipality or corporation so constituted, shall enjoy all the powers, rights, privileges and functions possessed by local municipalities or local corporations, under the municipal code, and as such shall be subject to the same duties and obligations as those to which such municipalities or local corporations are subject, as fully as if such municipality or corporation had been mentioned in the said code.

General
election of
councillors.

2. The first general election of councillors for the said municipality, shall be held at ten o'clock in the morning, on the first Monday of next April, and shall have the same effect as if it had been held at the time mentioned in article

293 of the said code. But this election shall not prevent the following general election from taking place according to article 292 of the said code, and at the time mentioned therein.

3. If, at the time of the next general election of the ^{Voting.} Quebec legislature, the said municipality shall not have yet made a list of electors, the electors of the said municipality shall vote at such election, at the places where they would have had a right to vote if this act had not been passed.

4. This act shall come into force on the day of the sanc- ^{Coming into} tion thereof. ^{force of this}
^{act.}

C A P. L X I X.

An Act to annex a certain part of the Municipality of St. Lambert, in the County of Chambly, to the Municipality of the Parish of Longueuil, in the same County, for all Municipal and School purposes.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. All that part of the municipality of St. Lambert, in the ^{Part of St.} county of Chambly, included within the river St. Law- ^{Lambert} rence, the line of the municipality of the parish of La- ^{annexed to} prairie, the Pinière road, and the boundary of the land of Charles Philipps or his representatives, such latter land not being included therein, shall cease to form part of the municipality of St. Lambert; and is by the present act annexed to the municipality of the parish of Longueuil, in the county of Chambly, for municipal and school purposes.

2. The lands of Toussaint Betournay, Louis Charron and ^{Idem.} Antoine Achin, situate on the north of the Côte Noire road, being the continuation of the lands detached from the municipality of St. Lambert, by the act of the late province of Canada, 25 Vict., chap. 49, are also by this act detached from the municipality of St. Lambert, and annexed to the same municipality of the parish of Longueuil, for the municipal and school purposes.

3. The separation of such different lands from the muni- ^{Effect of the} cipality of St. Lambert, and their annexation to the muni- ^{separation.} cipality of the parish of Longueuil, under the two preced-

ing sections, shall have the same effect, as if the same was done under the operation of the municipal code, save in so far as the same is inconsistent with the following section.

Sale of the
school-house.

4. The school-house and the land belonging to it now possessed by the municipality of St. Lambert, shall be sold by such municipality, and the proceeds of the sale immediately after having been collected shall be paid over to the owners of the taxable property situate within the municipality as bounded previous to the passing of this act, proportionately to the value of such property as entered upon the valuation roll in force on the first of January, 1875.

Coming into
force of this
act.

5. The present act shall come into force on the day of the sanction thereof.

C A P. L X X.

An Act to incorporate the Municipality of the Village d'Outre-Mont.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS, the inhabitants of Côte St. Catherine, in the county of Hochelaga, have represented, by petition, that all the other parts of the heretofore parish of Montreal, of which the said Côte St. Catherine heretofore formed part, have been incorporated as town or village municipalities, and that there do not now remain three hundred persons in the said Côte St. Catherine; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Erection of the
mun. of the
village.

1. The said place, known as Côte St. Catherine, in the heretofore parish of Notre Dame de Montreal, in the county of Hochelaga, in the district of Montreal, is erected into a village municipality, and the inhabitants of the said Côte St. Catherine, shall form a municipal corporation under the name of "Municipality of the Village d'Outre-Mont," of which the limits shall be as follows, and which shall contain, all the lots known on the official plan and book of reference of the municipality of the aforesaid parish of Montreal, from the number eleven to the number forty-four inclusively, in Côte St. Catherine, and the numbers twenty-six, thirty-one to thirty-eight inclusively, and the numbers fifty-five, fifty-six and fifty-seven inclusively in Côte des Neiges; the said territory being bounded as follows: to the north-east by the Côte St. Louis; to the south-west, partly by the line of separation between the said Côte St. Catherine and Côte des Neiges, and partly

Name.
Limits.

Boundaries.

by the lots known, on the said plan and book of reference, as numbers 25, 27, 28, 29, 39 and 54 for the said Côte des Neiges; to the south-east, partly by the road leading from Mount Royal Avenue to Mount Royal Cemetery, and partly by the lots ten and twenty-eight of the Côte des Neiges aforesaid; and finally, to the north-west, by the parish of St. Laurent, and number fifty-eight of the said Côte des Neiges.

2. The first election of councillors for the said municipality, shall be held on the day and at the place, which shall be fixed by the warden of the county of Hochelaga, who shall be the president of the said election, and all the articles of the municipal code, relating to elections and to meetings of municipal electors, shall apply, *mutatis mutandis*, at the first election of councillors to be made as above enacted; provided, that the said warden shall be bound to give the notices, required by article 294 of the said municipal code.

1st election of
councillors.

Application of
the M. C.

Proviso:

CAP. LXXI.

An Act to authorize the Corporation of the Village of Hochelaga to borrow money, and for other purposes.

[Assented to 23rd February, 1875.]

WHEREAS the corporation of the Village of Hochelaga, Preamble.
owing to the rapid progress and great increase of the population in the limits of its territory, finds it necessary to construct important works and make improvements, for which its ordinary revenues are insufficient, to wit: 1o. The opening, enlargement and keeping in order of roads and streets; 2o. The laying of water pipes for the supply of water to the village; 3o. The construction of drains and sewers; and 4o. The construction of a market and the purchase of ground for it; whereas a greater loan than that authorized by the municipal code of the province Quebec, has become necessary to carry out their works of improvement; whereas the said corporation of the village of Hochelaga has petitioned to that effect, and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The corporation of the village of Hochelaga is, by this act, authorized to effect a loan of one hundred and twenty five thousand dollars, for the purpose of constructing the works of improvement mentioned in the preamble of this act.

Power to
borrow.

Use of such
loan.

2. The proportion of the said loan of one hundred and twenty five thousand dollars, to be respectively applied to each of the above mentioned works of improvement, shall be determined and fixed by the municipal council of the said village of Hochelaga, subject to the articles of the municipal code mentioned in the following section.

Municipal code
shall apply.

3. The said corporation of the village of Hochelaga shall be bound to effect its loan of one hundred and twenty five thousand dollars in conformity with articles 493, 494, 495, 496, 497 and 498 of the municipal code of the Province of Quebec.

Real estate
alone liable.

4. The taxable real estate of the municipality, shall be alone liable for the payment of such loan or debentures, and the municipal electors who are proprietors of such real estate, shall alone be entitled to vote in approval or disapproval of such by-law.

C A P. L X X I I.

An Act to give immediate effect to the proclamation erecting the Town of Saint-Henri.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the proclamation issued by the lieutenant-governor, on the 21st December, 1874, erecting under the consolidated municipal act of Lower Canada, and the amendments thereto, a certain territory into a town municipality, under the name of the "Town of Saint-Henri," can only take effect, on the first day of January, 1876; and whereas it is of urgent importance, in view of the rapid development of such territory and of its need, to give immediate effect to such proclamation; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Effect of the
proclamation.

1. From and after the coming into force of this act, the proclamation cited in the preamble, shall take effect without delay, as if such proclamation had been issued two months before the first of January, 1875, as required by chapter 24 of the consolidated statutes for Lower Canada.

Town governed
by M. C.

2. The town erected by such proclamation, shall be governed by the provisions of the municipal code.

By-laws, &c.,
continued.

3. The by-laws, orders, rolls, lists of electors, or municipal acts, which governed the territory so erected into a town, or

which were in force therein before such erection, shall continue after such erection to be in force therein, until they are amended, repealed or replaced, according to the provisions of the municipal code.

4. The first general election of councillors shall take place upon the third Monday following the sanction of this act. 1st gen. election of councillors.

5. The present act shall come into force on the day of its sanction. Coming into force of this act.

CAP. LXXIII.

An Act to amend the Charter of the City of Montreal,
37 Vict., Chap. 51.

[Assented to 23rd February, 1875.]

WHEREAS it has been represented, by petition, that Preamble.
the corporation of the city of Montreal requires, for the better administration of its municipal affairs, certain amendments to its charter of incorporation, and it is expedient to grant thereto more ample powers as regards public health and other purposes; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Besides the purposes for which the said city may, by New by-laws.
section 123 of the said act, 37 Vict., chap. 51, pass by-laws, the council of the said city, is hereby authorized to pass by-laws for the following purposes, that is to say:

a. To enforce a complete and efficient system of vaccination, System of vaccination.
to establish offices for that purpose, to appoint officers, to authorize them to make domiciliary visits, to destroy the linen, clothing and any other article infected with small-pox or any other contagious disease, Contagious diseases. to isolate patients labouring under any such disease whensoever the said officers shall deem it necessary for the welfare of such patients, or of the public at large, to cause any person who shall have died of any of the said diseases, to be buried within a short delay, and generally to take such measures as the council of the said city may deem necessary to regulate, control, prevent or arrest the progress of small-pox or other contagious, endemic or infectious disease in the said city; any law now in force to the contrary notwithstanding.

b. To compel owners of vacant lots, to remove the snow For removing snow.
from the sidewalks in front of such lots;

For restraining
games, &c.

c. To restrain gaming and playing at cards, dice or other game of chance in any hotel, tavern, dwelling, shop, or in any house or place kept for that purpose, and to hold responsible therefor the occupant, tenant, lessee and the proprietor when such proprietor is the occupant of the establishment wherein such gaming takes place, as well as the persons who practice the same ;

For laying and
extending tun-
nels, &c.

d. To lay and extend its main sewers or tunnels in any adjoining municipality, and to levy upon such municipality its share of contribution towards the cost of construction of the said main sewers or tunnels according to the area to be drained thereby, and in proportion to the benefit to be derived by such municipality, and to determine the amount of such contribution to be borne by the said municipality, through appraisers to be appointed by the Council of the said city, and by such adjoining municipality, under the provisions of section 200 of the said act 37 Vic., cap. 51, provided that so soon as any such municipality or any proprietor therein shall make use of any such main drain or sewer, the sum to be contributed by the said municipality, shall be paid by means of a rate of interest at six per cent, and a sinking fund of two per cent to be paid annually by the said municipality, until the final redemption of the amount of such contribution ;

The violation
of by-laws.

e. To render any person who shall violate any of the by-laws which shall be enforced in pursuance of the act, 37 Vict., cap. 51, and amendments thereto, liable to the penalties imposed by section 124 of the said act, for each and every day that such violation or contravention shall last, which shall be held to be a distinct and separate offence, for each and every day as aforesaid ;

The fire
escapes.

f. To compel proprietors of buildings occupied as hotels, manufactories or tenement houses or schools, and such other buildings as in the discretion of the council may require fire escapes, to provide the same, with ample means of escape in case of fire, under such regulations as may be prescribed by the council.

S. 124, 37 V., c.
51, shall apply.

2. Section 124 of the said act shall apply to the by-laws which the council of the said city is authorized to pass by the preceding sections

Properties
exempt from
taxes.

3. Churches, parsonages, and bishops' palaces are exempt from all taxes. The institutions occupied for charitable objects are exempt from municipal ordinary and annual taxes.

Drain or sewer,
&c.

4. When the corporation of the said city shall cause a drain or sewer to be constructed, it may at the same time

cause to be made the connections between such drain or sewer and the private drains of proprietors, and include the cost thereof in the assessment to be made to defray the expense of constructing such drain or sewer.

5. It shall be lawful for the corporation of the said city of Montreal to acquire, by amicable arrangement or by forced expropriation, one or more pieces of land in any of the adjoining municipalities, and to use the same as a place of deposit for the mud, filth and offal from the said city; provided that such piece of land be isolated, and at a distance of at least one mile from any village of such municipality, the locality in which such deposit is to be made, to be designated by the municipal council of the municipality within the limits of which the same may be acquired as above. In default of such municipal council designating the locality of such deposit within three months after notice to that effect to be given by the council of the city of Montreal, the said city council shall then be empowered to select the said locality.

Acquisition of lands for deposit of mud, &c.

Proviso:

6. In case there should, at the passing of this act or hereafter, exist any clerical error, omission or informality in the proceedings in expropriation taken by the city of Montreal, or in the making out of the special roll of assessment prepared to defray the cost of the improvement, whether such error, omission or informality be committed by the commissioners, or any of them, or by those who are by law entrusted with such proceedings, the superior court or any judge thereof, may, upon a petition to that effect, permit in its discretion, the rectification of such error, omission or informality, upon such condition as to costs as the court or judge may order.

Informalities in the proceedings in expropriation may be rectified.

7. The word "exclusive" mentioned in the first line of section 129, of the charter of the said city, is struck out.

S. 129 of the charter, amended.

8. Any act or part of any act inconsistent with the provisions of the present act, shall be and the same is hereby repealed.

Inconsistent provisions.

9. In the event of the municipality of Côteau St. Louis establishing a weighing machine for weighing stone and lime, the certificate of the public weigher duly appointed shall be considered sufficient for the sale in the said city, of the stone or lime to which the said certificate relates, and no other weighing of the said stone or lime shall be required or necessary in the said city; provided always, that the city of Montreal shall have

Weighing stone and lime at Côteau St. Louis.

Inspector of
weighing
machines.

the right to appoint an inspector of the said weighing machine, or a person whose duty it shall be to give the said certificates or to have charge of the said weighing machine, the revenue of which shall however belong to the municipality of Côteau St. Louis.

Indemnity to
the corp. of
Mont.

Provided also that to render this provision of the law available, the said municipality of Côteau St. Louis shall indemnify the corporation of the city of Montreal for all expenses incurred for the purchase and establishment of the weighing machine in operation in the said city at the time of the passing of this act.

Coming into
force of this
act.

10. This act shall come into force immediately after its sanction.

C A P. L X X I V.

An Act further to amend the provisions of the several Acts relating to the incorporation of the City of Quebec.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the Corporation of the City of Quebec have, by their petition, represented that it is advisable that certain amendments be made to the provisions of the several acts relating to the incorporation of the City of Quebec; and whereas it is expedient that their prayer be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

§§ 5, 6 of s. 2
33 Vict., c. 46,
amended.

1. The sub-sections five and six of the second section of the Act 33 Vict., chap. 46, shall be amended by striking out the words "first of March," in each of the said sub-sections and substituting therefor the words "before six of the clock in the afternoon of the twentieth day of January preceding."

§ 7 of s. 10,
same act,
repealed.

2. The seventh sub-section of the 10th section of the same act shall be repealed—and the following substituted therefor:

Mode of voting
at elections.

"Any duly qualified elector shall have the privilege of voting in writing, by drawing up a declaration which he shall sign before the sheriff, prothonotary, judge of the sessions, recorder, clerk of the crown, or clerk of the peace of the said City of Quebec, who knows him, in which he shall state for which candidate he votes, taking before such public officer the affidavit indicated in schedule 5, annexed to this act, (omitting in the said affidavit the words, "which is now shewn to me"); which said declaration and affidavit shall be previously read over to him before the said officer,

and afterwards delivered to the clerk of the said city, within eight days preceding the closing of the poll during the said election, and the said city clerk shall file the same among the archives of his office, and shall register the said vote in the poll book, and such vote shall have the same effect for the purpose of this act, as if it had been registered in the presence of the voter. The said declaration and affidavit shall be taken at the respective offices of the officers above named and not elsewhere, from ten of the clock in the morning until four of the clock in the afternoon, except in cases of sickness, infirmity or old age, to be ascertained by the certificate of a physician to be produced before the said officer, and delivered to the city clerk, together with the declaration in writing and affidavit of the said elector."

3. The word "eight," shall be substituted for the word "fifteen," in the twelfth line of the fifteenth section of the act 34 Vict., chap. 35. S. 15, 34 V., c. 35, amended.

4. The twelfth section of the act 36 Vict., chap. 55, is hereby repealed, and the following is substituted therefor : S. 12, 36 V., c. 55, repealed.

"Every person licensed or not licensed to sell in the city of Quebec spirituous liquors, wine, beer, or temperance liquors, shall close the house or building, in which such person sells, or causes to be sold, such spirituous liquors, wine, beer, or temperance liquors, on each and every day of the year, from eleven o'clock in the night until five o'clock in the morning, and during the whole of each and every Sunday of the year, nor during the said periods of time shall such person sell, or cause to be sold, delivered or cause to be delivered in such house or building, (or any other place,) spirituous liquors, wine, beer, or temperance liquors, (neither shall any such house or building or other place be kept open during the said periods of time by any such person, or by any other person whatever,) under pain, for each and every infringement of any of the provisions of the present section, of a fine not exceeding one hundred dollars currency, and costs, and in default of payment of the said fine, of an imprisonment not exceeding three months, in the common gaol of the district of Quebec, at hard labor; and in any prosecution for the sale or delivery of liquor, wine or beer, it will not be obligatory to allege or particularize the identical liquor, but merely to allege liquor ordinarily sold in taverns." Closing of inns, &c.
Penalty.

5. The fifth section of the act 37th Vict., chap. 50, is hereby repealed, and the following substituted therefor : S. 5 of 37 V., c. 50, repealed.

"The owners or possessors of any dog in the city of Quebec, instead of the tax now imposed upon dogs in the said city of Quebec, shall be bound to take out annually, from License on dogs.

Tax.

Collar.

Number.

Penalty.

Dogs running
at large.

the clerk of the Corporation of the city of Quebec, from and after the first day of May of each and every year, a license they shall be bound to pay, to the treasurer of the said city, a sum of one dollar and fifty cents for each such dog; and each such dog shall have around his neck a metal or leather collar, with a number legibly inscribed on it, to wit: the number to be inserted in the said license by the said city clerk, which such number shall be a metal one, or painted on the said collar, the whole under pain of a fine not exceeding five dollars for each contravention to any of the provisions of the present section.

"2. The Corporation is hereby empowered to cause any dog remaining at large in any street, uncollared and unlicensed, to be impounded, in any of the public pounds, for forty-eight hours, during which the owner of said dog may recover the same on payment of fifty cents, besides the cost of the license: if not reclaimed within that time, such dog may be destroyed, or sold, and the proceeds of such sale paid over to the city treasurer."

§ 4 of s. 29 of
29 V., c. 57, re-
pealed.

6. Sub-section 4, of section twenty-nine of the act 29 Vict., Chap. 57, shall be repealed, and the following substituted therefor:

Markets.

"For changing the sites of Markets and Market-places, and to establish others."

§ 63 of s. 29,
of 29 Vict., c.
57, amended.
Closing of pho-
tographers'
and barbers'
shops.

7. The following words are added to the 63rd sub-section of the 29th section of the 29th Victoria, Chap. 57:

"To enforce the closing on Sundays of all stores and shops and of photographers' establishments, during the whole day, and of barbers' shops from ten o'clock in the forenoon, in the said city."

§ added after
§ 11, of s. 29,
29 V. c. 57.

8. The following sub-section is added after the eleventh sub-section of the 29th section, of the act 29 Vict., chap. 57:

Cleanliness
and health.

"To define and regulate the duties, powers and attributions of the health officers, in all matters pertaining to cleanliness, in the said city, and the health of its inhabitants;

Report of
diseases by
superintendent
of cemeteries,
physicians, &c.

"To compel the superintendent of any cemetery in the city, or in any of the adjoining municipalities, to make and deliver to the corporation of the said city, regular returns of all persons buried in such cemetery, and to regulate the manner and form in which such returns may be made, to enact that in all cases of death occurring in the said city, the attending physician, or (in case no physician shall have attended the deceased,) a member or friend of the family of the deceased, shall within such time, and under such penalty, as the said council may determine, furnish to

such superintendent, a certificate signed by such physician, member or friend, stating the age, birth-place, date, place of death, and the nature of the disease by which deceased came to death; and also, to provide such other means of obtaining correct and reliable statements or information in reference to the mortality and its causes in the said city, as the said council may deem necessary."

9. The 4th section of the act 35 Vict., chap. 12, is here- S 4 of 35 V., c. 12, amended. by amended, in so far as the city of Quebec is concerned, by adding the following words at the end of the said section :

"And the said additional sum, shall also be annually levied by means of a tax, which shall be imposed, levied Recovery of an add. tax, for schools. and recovered by the said corporation of the city of Quebec, at the same time and in the same manner, as the other taxes of the said city on real property. And the said tax will form part of the school tax of the said city. Provido: Provided that the owner of real estate shall have a right to recover from the tenant, such proportion of the said school tax, which should have been paid by him."

CONSOLIDATED FUND.

10. The thirty-second, thirty-fourth, thirty-sixth, thirty- Several provisions repealed. seventh and thirty-eighth sections of the act thirty-third Victoria, chapter forty-six, and the schedules therein referred to, and annexed to the said act; and the sections one, two and three, of the act 35 Vict., chapter 33; and the sections five, seven, nine and ten of the act 36 Vict., chap. 55; and the eleventh section of the act 37 Vict., chapter 50, are hereby repealed, and the following substituted therefor:

11. A consolidated fund is hereby established for the city Consolidated Fund of the city of Quebec. of Quebec, to be known as "the City of Quebec Consolidated Fund," which shall consist of stock, or shares, and debentures, of not less than one hundred dollars each, Debentures. which the corporation of the said city may dispose of from time to time, as opportunity offers, to an amount not exceeding two millions nine hundred and seventy-two thousand and six hundred dollars, current money of this province, to be issued for the redemption of old debentures, Appropriation thereof. and also for the works necessary for the improvement of the city, as set forth in schedule A and B, annexed to the present act; and the said stock, shares or debentures shall be divided into two classes, under letters A and C, to be Classes. composed as follows :

12. Class A shall comprise the stock or shares to be Class A; known as the "Quebec Water Works Stock," to the amount Quebec Water Works Stock.

of one million and thirty-five thousand dollars current money of this province, which shall be applied towards the paying off and extinction of the debt incurred for and in respect of the water works of the city, and shall be secured by special mortgage and privilege and without the formality of registration in the registry office, on the real estate, buildings, machinery, apparatus, mechanism and works generally in connection with the water works department.

Class C.
Quebec Property Stock.

13. Class C shall comprise the stock or shares known as the "Quebec Property Stock," also class B issued under the act 33 Victoria, chap. 46, and also the debenture class C, to the amount of one million nine hundred and fifty-thousand dollars, the proceeds of which shall be applied to the payment of the debentures falling due, and also for the conversion of debentures or permanent stock, authorized by the said act, 33 Vict., chap. 46, also, for the different objects as set forth in schedule B; the said debentures to have the same guarantee, as those they are to replace; first on the public property of the corporation, markets, station houses, fire stations, wharves, except those mentioned in class A; and then on all other property of the city.

Permanent stock under class B.

14. The permanent stock issued up to the date of the passing of this present act under class B, according to the said act last mentioned, to the amount of one hundred and seventy-five thousand four hundred dollars, shall have the first lien on the public properties belonging to the corporation as enacted by the said act, 33 Vict. chap. 46.

Stock under classes A. and B. non-redeemable, &c.

15. The shares or stock comprised in the two first classes A and B, to wit: "the Quebec water works stock, and the Quebec public property stock," shall be permanent, in perpetuity and irredeemable, and upon shares, stock and debentures of the three classes above mentioned, forming the Quebec consolidated fund, there shall be paid by the city treasurer to each of the subscribers to the said consolidated fund, at the office of the city treasurer, at the city hall, in the said city, a uniform rate of interest of not over seven per cent per annum, payable semi-annually on the first day of January and the first day of July.

Interests.

Shares of the permanent stock.

16. The said permanent stock or fund, and terminable debentures, shall be issued in shares, of not less than one hundred dollars each.

Certificates to the purchasers of Cons. Fund.

17. Any person who shall subscribe for or purchase one or more shares of the said consolidated fund, shall receive from the treasurer of the said city, a certificate to that effect, to be signed by the mayor of the said city, and counter-

signed by the city-clerk and registered by the treasurer, and sealed with the seal of the corporation; which said certificate may be in the form of schedule C, (as the case may be,) appended to this act.

18. It shall be lawful for the said corporation to negotiate the said stock, shares or debentures, either in this province or elsewhere, and if issued in Great Britain, in sums of not less than one hundred pounds sterling each, and to pay the interest on the same either in sterling money of Great Britain, or in the current money of this province, and to meet in the same manner the terminable debentures, class C. Negotiation of the stock.

19. It shall be the duty of the city treasurer to register, in a book to be kept for that purpose, all shares, stock and debentures, to be negotiated by virtue of the preceding sections as they are disposed of, and also the name of each individual, person, or firms of persons, or corporations who may have subscribed to any amount of the said shares, or stock, or debentures; and when such subscriber or subscribers shall transfer or make over, his or their shares to a third party, such transfer or cession may be made in the form of schedules numbers three and four, (as the case may be,) appended to this act; and the same shall be entered and registered by the said treasurer, in a distinct book or register, to be kept for that purpose by the said treasurer, and to which access may be had by interested parties on demand; and such subscriber or transferer last enregistered, as hereinbefore prescribed, shall be held to be *prima facie* the creditor of the amount of such shares, stock or debentures; and such shares, stock or debentures are and shall be transferable in the manner aforesaid. Books kept by Treasurer for that purpose. Transfers of shares.

20. Every year, on or before the first day of January, the city treasurer shall take from and out of the annual revenues and other funds of the said corporation, and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent on the said amount of debentures issued up to that date, which said sum of two per cent, every year, the said treasurer shall keep apart from all other moneys, to be invested and applied solely and exclusively as a sinking fund towards the extinction of the debt created by the realisation of the debentures issued under this act, forming the class C, and known as "the city of Quebec terminable debentures," as hereinbefore provided; and the said treasurer shall invest the sum thus set apart as a sinking fund, in public securities, in stock or bonds of the Dominion of Canada, stocks or bonds secured by the Dominion, or of Sinking Fund. Special investment.

any of the provinces of the Dominion, or shares of chartered banks, and not otherwise; provided, however, the said treasurer may, if deemed advisable by the finance committee of the said corporation, pay off, from and out of the said sinking fund, any sum in deduction of the debt created by "the Quebec terminable debentures," towards the gradual extinction of such debt; and the said treasurer shall place before the city council, at its first meeting in January in each year, a certificate signed by himself, and countersigned by the mayor, to the effect that he has faithfully fulfilled the obligations imposed upon him by the present section of this act, and in default of his so doing, the said city treasurer shall become and be liable to pay to the said corporation a fine of six hundred dollars, said currency, which said fine may be recovered in the same manner as all other fines imposed in and by the several statutes concerning the said corporation, and shall form part of the sinking fund aforesaid, and it shall be the duty of the auditors of the said city to submit to the said council annually a statement under oath showing whether the said treasurer has or has not fulfilled all the obligations imposed upon him by the present section.

Sums retained
out of the
Quebec Cons.
Fund.

Purposes of its
retaining.

Outstanding
debentures
are without
sink. F.

Power to
change the
nature of the
stock of classes
A and B.

Sinking Fund.

21. The corporation of the said city shall at all times retain in their hands, from and out of "the Quebec consolidated fund," a sum equivalent to the amount of their bonds, securities, or debentures, then in circulation and issued, in virtue of the several statutes concerning the said corporation, and it shall be held, with the said sum, to redeem the bonds or debentures in circulation at maturity, or by agreement with the holders thereof, or to receive the same in exchange for shares, stock or debentures available in virtue of the present act, on such terms and conditions as may be agreed upon, the said sum not to be employed for any other purpose.

22. As the corporation is bound to keep in their hands, an amount equal to that of the debentures outstanding, and as the amount of old outstanding debentures is decreased to such an extent that it is not necessary to provide any more a sinking fund for such debentures, the corporation is hereby released from the obligation of providing a sinking fund for such debentures.

23. It will be lawful at any time, to change the nature of shares or stock classes A and B and to substitute in the place of the same, debentures class C, but in such case the payment of the said debentures shall be secured by a sinking fund of two per cent if they are issued for a period of twenty years; and one and a half per cent, if issued for a

period of thirty years, to be taken yearly from and out of the annual revenues and funds of the corporation of the said city of Quebec, which said sum of money the city treasurer shall keep apart from all other moneys, for the ends aforesaid, and the said treasurer shall, with the approval of the finance committee invest the sums, thus set apart for such sinking fund, in public securities, in stock or bonds of the Dominion of Canada, stock or bonds secured by the Dominion or of any of the provinces of the Dominion, shares of chartered banks of the Dominion and not otherwise.

Investment of sums set apart.

24. The corporation shall have power to issue debentures payable to bearer with coupons, in the place of registered stock or terminable debentures class C, when they find it more advantageous to do so.

Power to issue debentures payable to bearer.

25. The legislature of the province of Quebec, by the 34th Vict., chap 22, having authorized the corporation of the city of Quebec, to subscribe 40,000 shares, of twenty-five dollars each, making the sum of one million of dollars, in the stock of "the North Shore Railway Company," and to meet the payment of the amount of shares so subscribed by the said corporation of the city of Quebec, to the aforesaid amount of one million of dollars, in the said stock of the said North Shore Railway Company, having authorized the said corporation of the city of Quebec, to establish a fund for the city of Québec, to the like amount of one million of dollars, current money of this province, the said fund to be known as "the city of Quebec fund for the North Shore Railway, and St. Maurice Navigation and Land Company," which fund shall consist of permanent and irredeemable stock certificates of not less than five hundred dollars each, and bearing seven per cent interest, the said corporation of the city of Québec, is hereby authorized to issue terminable debentures, bearing interest at the rate of not more than six per cent, instead of the said permanent and irredeemable stock certificates, the said terminable debentures having the same guarantee as the said permanent and irredeemable stock certificates, and the terminable debentures to have the same sinking fund provided for, as the one provided for the debentures to be issued in virtue of the twentieth section of the present act.

Power to issue terminable debentures for the North Shore R. C.

26. The said corporation is hereby authorized to borrow \$100,000 to be applied to the widening of St. John street within and Fabrique street so soon as the several proprietors of said streets may have given satisfactory security that they will pay one-third the expense which may be necessary ; provided the widening of the said streets is decided by the two-thirds of the whole council—the said sum shall form part of schedule B.

Power to borrow \$100,000 for St. John and Fabrique streets.

Proviso :

S. 12 of 37 V.,
c. 50, amended.

27. The 12th section of the act, 37 Vict., chap. 50, is amended by substituting the word "twentieth" in the first line of the said section, to the word "twelfth."

Sec 1 of same
act, amended.

28. The first section of the act 37 Vict., chap. 50, shall be amended by substituting the word "on" for the word "before" in the sixth line thereof, and after the word "year" in the seventh line, by adding the following words "or before allowing such steamers, steamboat or steamboats to ply within the said limits or to tow in the said harbor as aforesaid."

Sec. 2 of same
act, amended.

29. The second section of the last mentioned act shall be amended by substituting the word "on" for the word "before" in the eighth line of the said section.

Interpretation
of provisions
repealed.

30. The repeal of the sections and sub-sections of the acts mentioned and recited in the preceding sections, shall not be understood as affecting any matter or thing done, or require to be done, debentures, promissory notes, or obligations issued or by-laws, rules or regulations made under, and by virtue of the said sections and sub-sections of the said acts; but the said matters and things, debentures, promissory notes, obligations, by-laws, rules, regulations and orders, and the obligations of the corporation, and every officer and servant in respect of the same, and the sinking fund to be provided, shall continue to be regulated by the said sections and sub-sections of the said acts cited in the preceding clauses, until they shall be changed, altered, replaced or repealed by any proceeding adopted in virtue of the present act, in which case all such matters and things, debentures, promissory notes, obligations, rules, by-laws, regulations and orders, as the case may be, shall be regulated and controlled by the present act.

Sections re-
pealed, &c.,
remain in
force, when
they relate to
certain matters

31. Any matter or thing done, debentures, promissory notes and obligations issued, and all by-laws, rules or orders, now in force in the city of Quebec, and made in conformity with the repealed sections and sub-sections of the above cited acts or relating thereto, shall continue, and do continue in full force and effect to all intents and purposes, the same as if the present act had never been passed, until they shall be legally altered, amended, replaced or repealed, as the case may be, in virtue of the present act.

Acts repealed
and inconsis-
tent remain re-
pealed.

32. All parts of acts repealed by the sections of acts hereby repealed and recited in this act, shall be and remain repealed; and all parts of acts, inconsistent with the provision of this act, shall be, and are hereby repealed.

33. The said act shall be considered as forming but one Interpretation and the same act with the acts hereby amended.

34. All acts or portions of acts contrary to or incompatible Acts incompatible with the provisions of the present act. are hereby repealed.

SCHEDULE A.

To	Amount of Permanent Stock Class A, authorized by Act Vict. 33, Chap. 46.....	\$ 1,000,000 00
"	Amount authorized by Act Vict. 37, Chap. 50, to lay a new pipe of the Water Works on a bridge over the St. Charles River.....	25,000 00
"	Reimburse the proprietors for the amount advanced to introduce water in different streets.	10,000 00
		<hr/>
		\$1,035,000 00

SCHEDULE B.

To	Amount authorized to be issued by Act 33 Vict., Chap. 46, Class B & C....	\$1,500,000 00
"	Amount authorized for the prolongation of Dalhousie street, Act 36 Vict., Chap. 55	60,000 00
"	Amount required to complete said street	40,000 00
"	Amount authorized by Act 37 Vict., Chap. 50, to buy a Fire Engine	- 6,000 00
"	Amount authorized to renew the Quebec and Gosford Railway Debentures.....	10,000 00
"	Amount authorized to renew the Debentures issued for the School Tax Arrears...	11,600 00
"	Amount authorized to pay the arrears of the Jail and Jury Fund.....	10,000 00

To Defray the Expenses attending the sale of Debentures in England, and also the discount on do.....	85,000 00
“ Pay the amount expended out of the Revenue of the following Permanent Works, St. Lewis and Prescott Gate..\$10,000 00	
Paving St. Peter Street.	12,000 00
Paving St. Paul and macadamising St. John Street...	28,000 00
Extending Wharf, Finlay market.....	15,000 00
	<hr/>
To Paving and macadamising Mountain Hill.....	65,600 00
“ Amount required to open streets between St. Louis and Montcalm Wards, and utilizing any government properties which may be obtained from the Federal Government.....	15,000 00
“ Build a Market Hall, outside St. John's Gate.....	10,000 00
“ St. John and Fabrique Streets (within).....	27,400 00
	100,000 00
	<hr/>
	\$1,940,000 00

SCHEDULE No. 1.

City of Quebec Consolidated Fund

Class A or B

Permanent Stock.

C

City Hall,

Quebec

18

Certificate to No.

This is to certify that
of
at the date hereof, is the registered owner, in the books of

the corporation of the city of Quebec, of shares of one hundred dollars each, in all amounting to dollars of the consolidated fund of the city of Quebec, (as detailed in the margin hereof,) established under the authority of the act of the legislature of Quebec, in the Dominion of Canada, passed on the day of February, 1875, (38 Vict., chap.), intituled: "An Act further to amend the provisions of the several acts relating to the incorporation of the city of Quebec."

Upon the amount of shares in the said permanent stock standing enregistered to the credit of the owners thereof, in the books of the corporation of the city of Quebec as aforesaid, the corporation of the city of Quebec will pay interest semi-annually, at the rate of _____ per cent per annum, on the first days of January and July in each year.

Sealed with the seal of the corporation of the said city of Quebec, signed by the mayor, countersigned, and enregistered in the books of the said corporation by the city treasurer, of the said city, this
day of 18

L. S.

Mayor,

City Clerk.

Registered book

Folio,
City Treasurer

SCHEDULE No. 2.

City of Quebec Consolidated Fund.

• **Class C.**

Terminable Debentures.

City Hall,

Quebec,

18

Certificate No:

This is to certify that _____ of _____ is at the date thereof, the registered owner, in the books of the corporation of the city of Quebec, of _____ shares of one hundred dollars each, in all amounting to _____ dollars, of the following terminable debentures of the consolidated fund of the city of Quebec, issued under the authority of the act of the legislature of Quebec, in the Dominion of Canada, passed on _____

the day of February, , (Vict., chap. ,) intituled: "An Act further to amend the provisions of the several acts relating to the incorporation of the city of Quebec," viz: 1st issue of payable shares.

Upon the amount of shares in the said terminable debentures standing enregistered to the credit of the owner thereof, in the books of the corporation of the city of Quebec, the corporation of the said city will pay interest semi-annually, at the rate of per cent per annum, on the first days of January and July in each year, and the principal sum accruing at the maturity of the respective issues of the said terminable debentures, will be redeemed in full and paid to such parties as may stand enregistered proprietors in the books of the said corporation, years after the dates of the respective issues authorized by virtue of the act hereinbefore stated.

Sealed with the seal of the corporation of the said city of Quebec, signed by the mayor, countersigned, and enregistered in the books of said corporation by the city treasurer of the said city, this day of 18

(L. S.)

Mayor.

City Clerk.

Registered book

Folio,

City Treasurer.

SCHEDULE No. 3.

City of Quebec Consolidated Fund.

City Hall,

Quebec,

18

This is to certify that
has this day transferred in the books of the corporation of the city of Quebec to the credit of
of shares of one hundred dollars each,
in all amounting to dollars of the consolidated fund of the city of Quebec, under the following classes, viz:

The said shares are transferable in the books of the corporation of the said city only by the said
or attorney duly constituted.

City Treasurer.

SHEDULE No. 4.

City of Quebec Consolidated Fund

For value received from

of
do hereby assign and transfer unto the said
shares of one hundred dollars each,
amounting to the sum of dollars,
in the consolidated fund of the city of Quebec, viz: of
Quebec Water Works stock, (class A)
shares of Quebec public property stock
(class B) shares
and Quebec terminable debentures (class C)
shares

Witness my hand, this day of
in the year one thousand eight hundred and

Signed in presence of

} Signature of party transferring.

Witnesses

CAP. LXXV.

An Act to better define and extend certain powers re-
specting the Municipality of the Parish of St. Sauveur
de Québec.

[Assented to 23rd February, 1875.]

CONSIDERING that it would be very advantageous for Preamble.
the corporation of the municipality of the parish of St.
Sauveur de Quebec, to have more ample and better defined
powers; Therefore, Her Majesty, by and with the advice
and consent of the Legislature of Quebec, enacts as follows:

1. The municipal council of the aforesaid municipality, ^{Superinten-} shall have the power to appoint, at any time of the year, a ^{dent of roads.} municipal officer, who shall be known as the "Superintendent of roads," on whom shall devolve all the powers now conferred by the municipal code on road and rural ^{Its powers.} inspectors; and he shall take an oath of office;

2. The said municipal council may fix his salary, at a ^{Its salary.} sum not exceeding four hundred dollars;

3. The said municipal council shall not be, in future, ^{Road or rural} bound to appoint road inspectors, or rural inspectors. ^{inspectors}
^{abolished.}

Fire depart-
ment.

2. 1. The present fire organization in the aforesaid municipality as well as the apparatus in use for such purpose, shall be known as "The Fire Department ;"

Water foun-
tains.

2 The said municipal council shall have the power to pass one or more by-laws, ordering the erection, at the cost of the municipality, of water fountains or reservoirs. Such by-law shall, before its entry into force, be submitted to the votes of the proprietors being municipal electors ;

Certain powers
maintained.

3. The powers mentioned in chapter 16, 28th Vict., 1865, Statutes of the Province of Canada, are moreover continued to the said municipal council by this act.

Sale of produce
in the streets
forbidden.

3. It is forbidden, by this act, to sell any provisions, or produce, in the streets of the said municipality, on a Sunday or days of obligation, under a penalty of not less than two dollars, nor more than ten dollars for each offence, or thirty days imprisonment, in default of payment, after summary proceedings before any justice of the peace.

Penalty.

Valuation roll
subject to in-
spection.

4. The valuation roll, after being deposited in the office of the council, shall be subject for twenty days to the inspection of those interested ; within the ten following days, the council shall fulfil the obligations mentioned in article 784 of the municipal code.

Sale of proper-
ties for arrears
of taxes.

5. 1. Notwithstanding the prescription of the municipal code, all the powers and duties of the secretary-treasurer of the county council, in reference to the sale of properties indebted in arrears of municipal and school taxes, are by this act, devolved upon the secretary-treasurer of the local council of the said municipality ;

2. The sale of such properties shall take place at the public hall of the parish of St. Sauveur ;

3. The returns mentioned in articles 371 and 373 of the municipal code, shall not be necessary ; but the said municipal council shall be guided by the collection roll to make an extract of the properties to be sold.

The notices required shall be given by the secretary-treasurer of the local council, twice in the course of the month of January, at intervals of at least ten days. Such notice shall be posted up at the church door of the said parish, in the first fifteen days of the month of February.

Power to ap-
point constables.

6. The said council shall have the power of appointing special constables, not exceeding three in number, of defining their duties, whether general or special, of fixing the manner of their remuneration and their uniform, in order to maintain the public peace, and to carry out the regulations and ordinances of the council.

7. The council shall have the powers specified in article 598 of the municipal code. Powers conferred.

8. The powers contained in articles 625 and the follow-ings of the municipal code, to the 636 article inclusive, are, by this act, conferred upon the said municipal council. Certain powers conferred. Any by-law made in virtue of the present section, shall be submitted to the vote of proprietors, being municipal electors, before coming into force, as to the part of the said section which refers to the establishment and construction of market.

9. The effects of persons owing municipal taxes may be seized, even when they do not reside in such municipality. Seizure for taxes.

10. Notwithstanding article 716 of the municipal code, the making of the valuation roll shall take place during the month of May of each year. The list of electors and the jury list shall, nevertheless, be prepared at the time appointed by law, as if the making of the valuation roll had taken place in the months of June and July. Time of the making of valuation roll.

11. For the maintenance of roads, the cost of the works ordered by the superintendent of roads shall be recoverable, in the case of the absence of the proprietors, from the said municipality or the city of Quebec, as a municipal tax; provided that the accounts of such works are sworn to before a justice of the peace. Recovery of the costs of certain works.

12. The present act shall come into force on the first day of April, eighteen hundred and seventy-five. Coming into force of this act.

C A P. L X X V I.

An Act to amend and consolidate the Act of incorporation of the City of Three Rivers, and the various Acts which amend the same.

[Assented to 23rd February, 1875.]

WHEREAS it is expedient to amend and consolidate the provisions of the act of the late province of Canada, passed in the twentieth year of Her Majesty's reign, intituled: "An Act to make more ample provisions for the incorporation of the Town of Three Rivers," as also the provisions of the various acts which amend the same, and whereas it is expedient to confer upon the said corporation of the city of Three Rivers other powers than those con- Preamble.

ferred by the said above mentioned acts ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Acts repealed.

1. The various acts mentioned in the first clause of the act passed in the twentieth year of Her Majesty's reign, chapter one hundred and twenty-nine, are repealed in so far as they concern the city of Three Rivers, and the said act 20 Victoria, chap. 129, and the following acts, to wit : 22 Victoria, chap. 105, 23 Victoria, chap. 74, 27 and 28 Victoria, chap. 61, 29 and 30 Victoria, chap. 59, passed by the legislature of the late province of Canada, and the following acts, to wit : 36 Victoria, chap. 57, and 37 Victoria, chap. 46, passed by the legislature of Quebec, are repealed.

CORPORATION.

Inhabitants incorporated.

Name and general powers.

2. The inhabitants of the city of Three Rivers and their successors are and shall be a body politic and corporate under the name of *The Corporation of the City of Three Rivers*, and, in such capacity, shall have perpetual succession, and shall be competent to appear in court, to sue and to be sued, implead and be impleaded before all courts of law and equity, in all actions or causes whatever, they may accept, take, receive by donation or otherwise acquire, sell, alienate, exchange, transfer, cede or lease every property movable or immovable, give or accept all obligations, judgments or other securities for the payment of any sum of money loaned or borrowed, or for the accomplishment and exercise of any other duty of the said corporation ; they shall have a common seal with power to destroy, alter and modify the same at their will or pleasure ;

Seal.

Present acts and by-laws, remain in force.

1. And all acts, orders, by-laws and resolutions passed by the council of the said city before the passing of the present act, shall remain in force until they are amended, annulled or repealed by the council of the said city, or by any other competent authority ; and all notes, debentures, obligations whatever consented to, contracted or issued by the corporation up to the coming into force of this act, shall have the same force and effect as if this act had never been passed ;

Corp. to be the same, and present officers to remain in office.

2. Nothing contained in the present act shall be regarded as dissolving the corporation of the inhabitants of the city of Three Rivers as now existing, and the present mayor and councillors, as well as the officers of the council, shall remain in office until they shall have been replaced under the provisions of the present act ;

Powers, &c., of the council, vested in the corporation.

3. All the powers, privileges, and duties conferred and imposed upon the municipal council of the late town of Three Rivers, by the act of the legislature of the late pro-

vince of Canada, 13 and 14 Victoria, chap. 104, intituled : *An Act to transfer to the Municipal Council of the Municipality of the Town of Three Rivers, the administration of the Common of the said Town, and for other purposes*, shall devolve upon the said corporation of the city of Three Rivers ;

4. And whereas in the several acts above cited and repealed by the present act, the corporation of the said city is sometimes designated, in the French language, under the name of *La Corporation de la Cité de Trois-Rivières*, and sometimes under the name of *La Corporation de la Cité des Trois-Rivières*, it is declared that either one or other of the aforesaid designations which shall have been or shall be hereafter employed in any proceeding, act, order, or by-law of or concerning the said corporation, shall be legal and taken to have been correctly written.

Interpretation
of the names of
the corp.

BOUNDARIES OF THE CITY.

3. The said city of Three Rivers shall be bounded as follows, to wit : in front by the River St. Lawrence, in rear by a line parallel to the general course of the said river, at a distance of one hundred and sixty chains from the west point of the mouth of the river St. Maurice, on the east side by the east bank of the said river St. Maurice, and on the west side by a line at right angles to the said rear-line, commencing from a point therein, at a distance of one hundred and sixty chains from the west bank of the said river St. Maurice, until it reaches the said river St. Lawrence, including the islands in the river St. Maurice, within the said limits.

Boundaries of
the city estab-
lished.

4. The said city of Three Rivers shall be divided into four wards, which shall respectively be called and known as "St. Philip's Ward," "St. Louis Ward," "Ste. Ursule Ward," and "Notre-Dame Ward," and the said wards shall be bounded as follows, to wit :

Division in
wards.

1. St. Phillip's Ward shall be bounded in front by the river St. Lawrence, on the south-west and in rear by the limits of the city, on the north-east by the rear line of the building lots situated upon the north-east side of Bell street and St. George street to Bolvin street, thence by the said Bolvin street to Desforges street, and by the said Desforges street to St. Margaret road, and by the said St. Margaret road to the point where the said road is intersected by the line separating the common from the farm of J. N. Bureau, Esquire, and thence following the said line prolonged to the north-west limits of the said city ;

St. Phillip's
Ward.

2. St. Louis Ward shall be bounded in front by the River St. Lawrence, on the south-west by St. Philip's Ward, in the rear by the limits of the city, and on the north-east by

St. Louis
Ward.

a line from the river St. Lawrence, passing by the centre of Barracks' street and Bonaventure street, and by the street which runs along the burial-ground to the north-east, and from thence following a line which would be a prolongation of the said street to the north-west limits of the said city ;

Ste. Ursule
Ward.

3. Ste. Ursule Ward shall also be bounded in front by the River St. Lawrence, on the south-west by St. Louis Ward, on the north-east by the rear line of the building lots situate to the north-west of St. Joseph street, and by a line passing through the middle of St. Charles street, continued in a straight line as far as the east bank of the river St. Maurice ;

Notre-Dame
Ward.

4. Notre-Dame Ward shall be bounded on the south-west by St. Louis Ward, on the north-west and north-east by the limits of the city, and on the south-east by Ste. Ursule Ward.

ELECTIONS

Election of the
Mayor, Alder-
men and
Councillors.

5. There shall be, from time to time, elected, in the manner hereinafter provided, a fit and proper person, who shall be and be called the mayor of the city of Three Rivers, and four competent persons, who shall be and be called aldermen of the city of Three Rivers, and eight competent persons, who shall be and be called councillors of the city of Three Rivers ; and such mayor, aldermen and councillors shall form the council of the said city, and shall represent, for all lawful purposes, the corporation of the said city of Three Rivers.

Persons ineli-
gible as Mayor,
Aldermen or
Councillors.

6. No person shall be capable of being elected mayor, alderman, or councillor of the city of Three Rivers, unless he be a natural born or naturalized subject of Her Majesty, of the full age of twenty-one years, and unless he has, under the provisions of this act, the right of voting at such election for mayor, alderman or councillor ;

Idem.

2. No person being in Holy Orders or the ministers of any religious belief whatever, nor judges, nor officers on full pay in Her Majesty's army or navy, nor any person accountable for the revenues of the said city, or receiving any allowance from the city for his services, nor any officer or person presiding at the election of the mayor, aldermen or councillors, while so employed, nor any person who shall have been convicted of treason or felony in any court of law within any of Her Majesty's dominions, nor any person having in person or through his partner, any contract whatever, or interest in any contract with or for the said city, shall be capable of being elected mayor, alderman or councillor for the said city ; provided always, that no person shall be held incapable of being elected mayor, alderman or

councillor for the said city, from the fact of his being a shareholder in any incorporated company, which may have a contract or interest in any contract with the said city;

3. The following persons shall not be obliged to accept ^{Persons ex-empt.} the office of mayor, alderman or councillor of the said city, nor any other office to be filled by the council of the said city, to wit: members of the privy council and members of the executive council, members of the provincial legislature, practising physicians, surgeons and apothecaries; school-masters actually engaged in teaching; branch pilots, persons over sixty years of age, and the members of the council of the said city, who have been so within the two years next preceding; and the persons who shall have fulfilled any of the offices to which the council was entitled to appoint them, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment of such fine;

4. No person shall be capable of being elected mayor of the city of Three-Rivers unless he shall have resided and held his principal place of business within the said city for one year before such election, nor unless he be possessed, as owner of real estate, within the said city, of the value of two thousand dollars, after payment or deduction of his just debts; ^{Qualification of mayor.}

5. No person shall be capable of being elected alderman of the said city, unless he shall have resided and held his principal place of business within the said city for one year before such election, nor unless he be possessed, as owner of real estate, within the said city of the value of sixteen hundred dollars, after payment or deduction of his just debts; ^{Qualification of alderman.}

6. No person shall be capable of being elected a councillor of the said city, unless he shall have resided and held his principal place of business within the said city for one year before such election, nor unless he be possessed, as owner of real estate, within the said city, of the value of one thousand dollars, after payment or deduction of his just debts. ^{Qualification of councillor.}

7. The municipal elections for the said city, in virtue of this act, shall be held on the first Monday in July of each year, or on the day following, if the said Monday be a holiday, and public notice thereof shall be given at least eight days previous to such election in the French and English languages, in one or more newspapers published in the said city, and shall also be posted up in the most public and frequented places mentioned in the by-law, in each of the wards of the said city; such notice shall be signed by the secretary-treasurer of the said council, or by the mem- ^{Time of election and notice.}

ber of the said council who shall have been appointed, to preside at the said elections, as hereinafter provided, and shall specify the day, place and hour upon which the said elections are to take place in each ward of the said city.

President of elections.

8. The council of the said city shall appoint, at least one month before the period, in which the said municipal elections shall annually be held, one of the members of the said council, who, at the said elections then next, shall not go out of office, to preside at the said elections, and such member, so chosen to preside at the said elections, shall appoint, within eight days after his own appointment, an assistant who, in case of the absence of the said member of the council, shall have all the powers conferred, and shall discharge all the duties imposed, by this act, upon such presiding officer, and he shall further appoint a deputy for each of the wards of the said city, in which the election is to take place, and he shall also make oath to discharge the duties of his office, as required by this act, before taking any proceedings in relation to the elections over which he shall preside.

Assistant.

Deputy for each ward.

Oath.

Preparation of the election list.

9. It shall be the duty of the secretary-treasurer of the said council to prepare and complete, at least twenty-two days before the day on which the municipal elections are to take place in the said city, an alphabetical list for each ward of the said city, sworn to by the said secretary-treasurer, of the electors qualified to vote in each of the said wards, at the said municipal elections, and to give public notice of the completion of the said lists; and during the six days which shall follow the day on which the said lists shall have been completed after further notice shall have been previously given, they shall remain deposited in the office of the secretary-treasurer, for examination by the said municipal electors, and every elector who shall have cause to complain of the said lists, or any of them, shall, within the said delay, produce his complaint against the said list or lists before the said secretary-treasurer, and at the expiration of the said six days, such complaint shall be heard and adjudged by a committee named by the said council, and composed of three of its members; provided always, that none of the members of the said council, retiring from office at the then next elections, shall act as members of the said committee, and after such lists shall have been revised by the said committee, or after the delay fixed for so doing shall have expired, which delay shall not be more than eight clear days, if they have not been revised, the said secretary-treasurer shall prepare with, in the two following days, and transmit to the president of the said elections, certified copies of the said lists, to be used at the different polling stations in which the elections shall be held, and no

Deposited for examination.

Complaints judged by a committee.

Certified copies of said lists transmitted to the president of elections.

other persons than those, whose names are inscribed on the said lists, shall have the right of voting at the said elections.

10. It shall be the duty of the members of the said council to see that the said lists be prepared, revised and transmitted as above; and in default by the said secretary-treasurer to prepare the said lists, or any of them, within the above delay prescribed, and to transmit them to the president of the said elections within the time above prescribed, he shall incur a penalty of one hundred dollars, recoverable by any elector of the said municipality, before any court of competent jurisdiction in civil matters; and in case the said lists shall have been prepared by the secretary-treasurer within the above delay, and that they, or any of them shall not have been revised in the manner and within the delay prescribed in the preceding section of this act, each member of the said council shall incur a penalty not exceeding twenty dollars, recoverable in the said court, by any elector who shall have brought a complaint against the said list or lists, as provided in the said section.

The council shall revise said lists.
Default of sec.-treas.
Penalty.
Penalty against members.

11. If, at the time of an annual municipal election, no electoral list shall have been prepared or revised for all or any of the said wards of the said city, or if they have not been transmitted as prescribed, the election shall take place in the same manner, as before the passing of the act, 36 Vict., chap. 57, but the electors, who shall vote at the said election, shall have the qualifications required by the present act.

If there is no electoral list.

12. The persons only who shall have right of voting at the municipal elections of the said city, shall be the male inhabitants of the age of twenty-one years, taxed in the valuation or assessment roll or in the collection books of the said city, and residing therein, and in actual possession of real property in the said city of the value according to the said valuation rolls or collection books of two hundred dollars, and also tenants of immovable property at the time of the said elections who shall have resided and paid rent in the said city, according to the said valuation or assessment rolls, or the collection books of the said city, for a house or part of a house during the year immediately preceding such election, for a sum not less than thirty dollars per annum; provided always, that no person shall have the right of voting or shall vote at an election for mayor, aldermen or councillors for the said city, or for any other matter concerning the affairs, management or administration of the said corporation, without having, at least thirty days before the day on which such election or assembly at which he has

Persons entitled to vote.
Previous payment of taxes, required.

the right to vote shall be held, paid all taxes or assessments which he may owe to the said corporation.

Oath of the
presiding
officer at
elections.

13. Before any person shall proceed to hold an election in conformity with this act, he shall take the following oath, which any justice of the peace, residing in the said city, is hereby authorized to administer, that is to say :

" I do solemnly swear, that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of presiding officer at the election which I am about to hold for a person or persons to serve as members of the city council of Three Rivers : So help me God "

Nomination of
candidates to
the mayoralty.

14. On the Saturday preceding the said first Monday in July, at least twenty-five duly qualified municipal electors shall deposit in the hands of the secretary-treasurer of the said city, in his office, before four of the clock in the afternoon, a written nomination paper signed by them, of the person whom they intend to propose as a candidate at the said election of mayor, and the said secretary-treasurer shall be obliged to give a receipt for each nomination paper, and shall give notice to the officer presiding over the election of the names and surnames of the persons who shall have thus been nominated, and if only one candidate shall have been nominated, the said officer presiding over the election shall proclaim him to be duly elected on the said first Monday in July, at nine of the clock in the forenoon, at the door of the city hall, and if several candidates have been nominated, polling stations shall be opened in each ward of the said city as provided in the following sub-sections ;

Notice.

Choice of alder-
men and coun-
cillors.

2. And on the said first Monday of July, at ten of the clock in the forenoon, there shall be held in each ward of the said city, at the place designated by the person presiding at the said municipal elections for holding the polling station of the said ward, a public meeting of the duly qualified municipal electors of the said ward (which meeting shall be presided over by the deputy appointed for each ward by the person presiding at such elections) to chose an alderman and councillor for such ward, and if then and there only one candidate offers himself or is proposed to the said electors, for the office of alderman or councillor for such ward, the said deputy, presiding over such meeting, shall proclaim the said person or persons duly elected alderman or councillor for such ward, and if several persons offer themselves or are proposed as candidates, a polling station shall be immediately opened to receive and record the votes, and the said polling station shall remain open until four of the clock in the afternoon of the same day, and after the close of the poll, the said deputy presiding over the election for each ward shall declare the person or persons who shall

Public meet-
ing, and by
whom held.

Duties of
presid., if there
is only one
candidate.

If several per-
sons are pro-
posed—shall
keep polls.

have obtained the greatest number of votes, duly elected members of the said council ; and in case two candidates in a ward for one or other of the above offices of alderman or councillor, shall have equally obtained the greatest number of votes, then the deputy presiding over the election for such ward, shall give his casting vote in favor of one of the candidates and declare the latter elected ; and if only one candidate, either for the office of alderman or councillor, has been proposed and declare elected, and that there were two or more candidates proposed for the office of mayor on the preceding Saturday, a poll shall be opened as above in each of the said wards to receive and record the votes of the duly qualified electors, who shall present themselves to vote ;

Casting vote.

Polls open in certain cases.

3. The officer presiding at such election shall give to each of such deputies for each ward respectively, a notice informing them, if several candidates have been nominated for the office of mayor, the said notice to contain the names and surnames of the persons nominated, or if there has been only one, and this before ten of the clock in the morning of the said election ;

Duties of the officer presiding before the election.

4. Each elector shall have the right of voting in his ward for the mayor of the city, and for an alderman and councillor for such ward, as prescribed by the twenty-second section of this act.

Where an elector shall vote.

15. The deputies, immediately after the closing of the polls in their respective wards, shall immediately report to the president of the election, the number of the votes recorded in their respective wards for the election of the mayor of the said city, returning to him the poll-book duly attested under oath, and the said president, at six of the clock in the afternoon of the same day, at the city hall, shall declare the person, who has obtained the greatest number of votes in his favor, duly elected mayor of the said city, but in the case in which the candidates for the mayoralty shall have an equal number of votes, then the president shall give his casting vote in favor of one of the candidates and declare the latter duly elected.

The deputies report to the president after the election.

Declaration of the elect. of the mayor.

Casting vote.

16. The person who shall preside at an election and his deputies in each ward, shall, during such election, be conservators of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, or causing to be apprehended and imprisoned or brought to justice, whoever shall commit a breach of the law or disturb the public peace, as are vested in justices of the peace, and this, whether the said person so presiding or his deputies do or do not possess the property qualification of a justice of the peace, as required by law, and it shall be

The president and his deputies shall be conservators of the peace.

Special constables.

lawful for the president to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Delivery of the poll books, &c., to the Sec.-Treas.

17. The person presiding at any election shall immediately deliver up to the secretary-treasurer of the city council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll-books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said council, and copies of the same, certified by the secretary-treasurer, shall be considered authentic in all courts of justice, except to produce the original when required.

Poll books attested on oath by the deputies.

18. At all elections held under this act, the poll-books containing the names of the voters and other matters, shall be attested on oath by each of the deputies who shall have presided at such election, in the respective wards of the said city, each of the said deputies attesting his own, before any justice of the peace, residing in the said city, which oath the said justice of the peace is hereby authorized to administer, and which shall be in the form following :

Oath.

" I, A. B., do swear that the poll book kept by me at the municipal election for ward, of the said city of Three Rivers, is just and correct, to the best of my knowledge and belief : So help me God. "

Voters may be sworn.

19. Any person who shall present himself in the polling station to vote for a mayor, alderman or councillor, may be examined on oath (*or affirmation*,) touching his right or qualification to vote by the officer presiding over such election, or by one of his deputies ;

False swearing.

2. If any person being examined upon oath or affirmation under this act, as to his qualification to vote, declare knowingly the contrary of the truth, on conviction thereof, shall be subject to the same penalties as in other cases of wilful perjury ;

Persons voting and not having the right to vote.

3. Every person, who shall vote at an election for a mayor, alderman, or councillor, without having, at the time of his voting at such election, the qualifications required by law to give him the right of voting at such election, shall incur a penalty of not less than twenty, nor more than one hundred dollars ;

Penalty.

Corruption at elections.

4. Every elector, duly qualified to vote at an election for a mayor, alderman, or councillor, in the said city, or on any by-law made by and under the authority of the present act, who shall exact or receive, after the passing of this act, any money or other recompense in the nature of a gift or loan,

or under any other pretext, or shall agree or stipulate that he shall receive money, or any gift, office, employment, or other recompense to vote or refrain from voting at such election; or if any one, by himself or his employee, by means of any gift, or recompense, or of any promise, agreement or guarantee of a gift or recompense, shall corrupt, or try to cause to be corrupted, or shall engage an elector to give or refrain from giving his vote at such election, shall incur and pay for each offence in the above cited cases, a fine of forty dollars, which shall be levied, with all costs of suit, to the benefit of any one who shall sue for its recovery, before the circuit or any other court having competent jurisdiction, and the vote given at the said election by any elector, who shall thus have exacted and received money or other recompense, or who shall thus have agreed or stipulated to receive any money, gift or other reward, or who has thus allowed himself to be corrupted in any way, shall be declared null on proof thereof. Penalty. Nullity of corrupted votes.

20. The person presiding at any election, shall, within two days from the closing of the election, give to the mayor and each of the aldermen and councillors so elected, special notice of their said election, as well as of the place, the day, and the hour, appointed for the first meeting of the council to take place after their election. The mayor, aldermen and councillors so elected, shall enter respectively into office as such, at the said first meeting, and shall remain in office until their successors have been sworn. Duty of the presiding officer after the election. Entry in office of the officers.

21. In the case in which one of the persons thus elected shall refuse to act as mayor, alderman or councillor, or that his election, being contested, shall be declared null, the same person who shall have presided at the said election which has thus to be held anew, shall, *ex-officio*, be president of the new election to replace such mayor, alderman or councillor, which election shall be held within one month after such refusal or declaration of nullity shall have been established, and after the service of the judgment annulling such election, and in such case the placards and notices of such election, required by the present act, shall be published and posted up at least eight clear days before the election, and the voting at such election shall be made on the list of voters in force at the time of the last municipal elections; In case persons elected refuse to act, &c. New election.

2. If it is the mayor elect who refuses to accept office, or whose election has been declared null, the presiding officer shall give notice of the day on which the said election shall be held, by observing the delays and formalities required for annual elections. Such election shall take place on the Monday, and the nomination of candidates shall take If the mayor refuses, &c.

place on the Saturday preceding, in the manner provided in the 14th section of this act; and if there are several persons who or are proposed for mayor, a poll shall be opened in each ward of the city, and the polling shall take place in the manner prescribed by the twelfth section of this act on the list of voters in force at the time of the last annual municipal elections;

If an alderman or councillor refuses.

3. If it is an alderman or councillor who refuses to accept office, or whose election shall have been declared null, the electors of the ward for which such alderman or councillor shall have been elected, shall proceed to a new election, and shall elect a person to replace such alderman or councillor in the manner prescribed by the present act, for the annual elections of aldermen and councillors, on the list of voters in force at the time of the last annual municipal elections.

Continuance in office of the mayor and aldermen and councillors.

22. The mayor and aldermen shall be elected for two consecutive years, and shall remain in office until their successors shall enter into office, and the first election for a mayor and four aldermen for the said city, under the present act, shall take place at the annual elections of eighteen hundred and seventy-five, and afterwards every two years only, and four councillors shall be annually elected, and shall remain in office during two years; provided always, that the councillors who were elected at the municipal elections of eighteen hundred and seventy-four shall remain in office until the municipal elections of eighteen hundred and seventy-six.

Proviso:

Penalty incurred by those who refuse to perform the duties.

23. Every person who being elected or appointed to any of the offices mentioned in the following list shall refuse or neglect to accept such office, or to perform the duties of such office, during the whole or any portion of the period for which he was so elected or appointed, shall incur the penalty mentioned in such list, opposite the name or designation of such office, that is to say:

The office of mayor, thirty dollars.

The office of alderman, twenty-five dollars.

The office of councillor, twenty dollars.

Election expenses.

24. The expenses of every election shall be defrayed out of the funds of the corporation.

In case the election is not held at the time fixed.

25. In case an annual municipal election shall not be held, for any reason whatever, on the day when, in pursuance of this act, it ought to have been held, the said city council shall not, for that cause, be deemed to be dissolved, and such members of the said council, as shall not have retired from office, shall meet again, for the purpose of fix-

ing, as early a day as possible, for the holding of such annual municipal election ; and in such case, the notices and publications required by this act shall be published, and posted up, not less than eight clear days before the election.

CONTESTED ELECTIONS.

26. If the election of the mayor, or of one or more of the aldermen or councillors be contested, such contestation shall be exclusively decided by the circuit court for the district of Three Rivers ; Contestation decided by the C. C. Three Rivers.

2. Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said city ;

3. Such contestation shall be brought before the court, or in vacation, before a judge having jurisdiction in the said court, in vacation, by a petition signed by the petitioner or petitioners, setting forth in a clear manner the facts and grounds of such contestation ; Petition.

4. A true copy of the petition, with a notice stating the day on which the said petition shall be presented to the said court or judge, shall be first duly served upon the mayor, alderman, councillor, or aldermen and councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the said court or judge ; and a return of such service shall be drawn up and signed in due form upon the original of the said petition, by the bailiff who shall have made such service ; but no such petition shall be received after the term next following the election thereby contested, unless such election had been held within the fifteen days next preceding the first day of such term, in which case, any such petition may be presented within the thirty days which shall follow such election, but not later ; nor shall any such petition be received, unless security for costs be given by the petitioner or petitioners before a judge of the superior court sitting in the circuit court, or the clerk of the circuit court for the said district of Three Rivers, or his deputy ; Notice of the petition.
Return of the bailiff.
Delay for the presentation of the petit.
Security for costs.

5. If the court or judge be of opinion that the facts and grounds set forth in the petition are sufficient in law to void the election, he or it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem the most expedient, and shall proceed in a summary manner to hear and decide the said contestation ; the evidence may be taken down in writing, or given orally, in whole or in part, as the court or judge shall order ; and the court or judge shall proceed with the trial from day to day until he has rendered final judgment thereon, and if at the close of the term of the court the contesta- Hearing and proof.
Proceedings to be in a summary manner.

tion is not finished the court shall adjourn from day to day until final judgment shall have been pronounced ;

Powers of the judge.

Costs.

6. The court or judge, on such contestation, shall have the power to confirm the election or to declare the same to be null and void, or to declare another person to have been duly elected, and may, in either case, award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class brought in such circuit court ; and the court or judge may order its judgment to be served upon the secretary-treasurer of the council, at the expense of the party condemned to payment of costs, as aforesaid ;

Defect of form.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the said court or judge may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election.

THE COUNCIL.

Entry into office of the mayor, aldermen and councillors.

27. The mayor, aldermen and councillors elect shall enter into office on the day that they shall have taken the oath prescribed by the present act, and a meeting of the council shall take place within the eight days immediately following the day of the elections, and, at such meeting, the mayor, aldermen and councillors elect shall take the following oath :

Oath.

" I, A. B., do solemnly swear faithfully to fulfil the duties
" of member of the city council of Three Rivers, to the best
" of my judgment and ability. I further swear that I possess
" as the proprietor thereof, immovable property within the
" city of Three Rivers, of the value of (*two thousand*
" *dollars if it is the mayor ; sixteen hundred dollars if an*
" *alderman : and one thousand dollars if a councillor*) over
" and above all charges and incumbrances affecting the
" same, and after payment or deduction of my just debts :
" So help me God."

Members absent.

2. And the members then present, providing they form a majority of the council exclusive of the person presiding at the sitting, shall be authorized to act as the council, and the members of the said council, newly elected, who shall be absent from the first meeting, without just cause, shall be held to have refused the office, and be liable to the fine herein above imposed in like cases, unless they be persons who are exempt from serving.

Vacancies by death or absence.

28. In case of the death of the mayor, or an alderman or councillor, or in case of a member of the council neglecting, or failing, without the permission of the council, to be present

at the meetings of the said council during three consecutive months, whether he be present in the said city, or absent therefrom, the other members of the said council, at the first meeting of the council which shall take place after such decease, or the expiration of the said period of three months, shall appoint from amongst the duly qualified inhabitants of the city, another mayor, alderman or councillor to replace the mayor, alderman or councillor so deceased, or absent as above mentioned; provided, that notwithstanding ^{Proviso :} the decease or absence of the said mayor, alderman or councillor, the remaining aldermen and councillors shall continue to exercise the same powers, and fulfil the same duties, which they would have had to exercise or fulfil, had not such decease or absence, of the said mayor, alderman or councillor taken place.

29 Every person, holding the office of of mayor, alderman or councillor of the said city, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors; or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a judge of any court of justice, or who shall become responsible for the revenues of the city, in whole or in part, shall, by virtue of any one of these causes, become disqualified, and his seat in the said council shall become vacant; and such person shall be replaced by the said council, at its first sitting, after such disqualification shall have become public and notorious; and such person, so disqualified for any of the above reasons cannot fill the office of member of the council, unless elected at an annual municipal election. ^{Vacancies by disqualification.}

30. When any one of the said aldermen or councillors shall be elected mayor, his seat as member of the council of the said city shall immediately become vacant, and it shall be the duty of the said council, at the meeting following such election, to proceed to the choice and nomination of a qualified person to replace the member of the said council whose seat has become vacant. ^{Vacancy by election as mayor.}

31. Every mayor, alderman, or councillor so elected or appointed to replace another, shall remain in office for the remainder of the term for which his predecessor had been elected or appointed, and no longer. ^{Persons elected to replace another.}

32. The mayor of the said city of Three Rivers shall, during the term of his office, be a justice of the peace, in and for the district of Three Rivers, notwithstanding any disqualification he may by law be subject to. ^{The mayor shall be a justice of the peace.}

Pro-mayor.

33. It shall be the duty of the council of the said city, at the first meeting of the said council, in the months of January and July of each year, to elect one of its members, to fulfil the duties of mayor, during the absence of the mayor of the said city, and the member of the said council, thus elected, shall be called the pro-mayor, so long as he shall fulfil as above the duties of mayor, or in case the office of mayor shall become vacant; and the said member, thus elected, shall have and exercise, during such vacancy and until the next election, the powers and authority with which the mayor of the said city is legally vested, in which case he shall take the title of mayor; and the said pro-mayor shall be chosen from among the aldermen.

Its powers.

Quorum.

34. Seven members of the council shall constitute a quorum; but at all the meetings of the council at which a by-law shall be passed, the quorum shall be seven members exclusive of the chairman.

Monthly meetings of the council.

35. The said city council shall meet, at least once in each month, for the transaction of the business of the said city, and shall hold their sittings in the city hall of the said city, or in any other place in the said city which shall have been set apart for the purpose, either temporarily or permanently; provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the council, which may not have taken place, for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of members absent, to the regular or adjourned meeting as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may, by any by-law of the said city council, be provided for that purpose.

Special meetings.

36. The mayor of the said city may, whenever he shall deem it necessary or useful, call special meetings of the said council, and whenever three members shall be desirous of obtaining such special meeting, they shall apply to the mayor to call such meeting, and in the absence of the mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the secretary-treasurer of the said council, their object in calling such special meeting, and the day on which they are desirous that it shall be held; and the said secretary-treasurer shall, upon receipt of such written notification, be obliged to communicate the same to the other members of the council.

Punishment of council disturbing the sittings

37. Whoever shall be guilty of serious disturbance or violence during the sittings, either by action or by words, or in any other manner whatsoever, shall thereby incur a

fine not exceeding sixty dollars, or an imprisonment not exceeding fifteen days in default of payment of the fine, and may in addition be expelled from the council room on the written order of the chairman of the council.

38. All meetings of the said council shall be public, excepting only when the said council for any causes whatsoever, shall enquire into the conduct of any members of its own body, in which case it shall be lawful for the said council to sit with closed doors; and the said council shall determine the mode of their proceedings. Sittings shall be public. Exception.

39. The sheriff and gaoler of the district of Three Rivers shall be bound, and they are hereby authorized and required to receive and safely keep, until duly discharged, all persons committed to their charge, by the said city council, or any member or officer thereof, under the authority thereof. Duties of the Sheriff and gaoler respecting prisoners sent by council, &c.

40. No member of the said council shall have the right of voting on any question, in which he has any direct pecuniary interest, different from the common interests of all the inhabitants of the said city. Case where a member has no right to vote.

41. Whenever the mayor or pro-mayor, shall be absent from a regular or special meeting of the said city council, the members present shall choose one of their number to discharge the duties of chairman during the meeting. Mayor or pro-mayor being absent.

A councillor can only be chosen when no alderman is present.

42. Before the first of August in each year, the said council shall vote the sums necessary to meet the expenses of the current year, and provide: Vote for the annual expenses.

1. For the payment of the debts or obligations of the said corporation, falling due during the course of the said year;

2. For the payment of the interest on the capital of the other debts of the said corporation;

3. For the general and ordinary expenses of the said city;

4. For the appropriation of the sums required during the said current year, for projected improvements or works;

5. For the creation of a reserve fund of not less than five per cent, to be levied on the revenues of the said city, from whatever source they arise, and such reserve fund shall be for the purpose of meeting the unforeseen expenses of the said corporation.

PENALTIES.

43. Every member of the council, every officer appointed by the council, every justice of the peace or other per- Default of fulfilling the duties of office.

son who shall refuse or neglect to do anything, or perform any duty required of him, or which is imposed upon him, by this act, shall incur a penalty not exceeding twenty and not less than four dollars.

Penalty.

Road officer refusing to fulfill his duties.

44. Every inspector or officer of roads who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless some other and heavier penalty be by law imposed upon him for such offence.

Penalty.

Penalty for hindering any officer from doing his duty, &c.

45. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this act, or by any by-law or order of the said council, shall incur a penalty of one to twenty dollars for each offence, over and above any damages to which he may be liable.

For injuring or tearing any advertisement, &c.

46. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required, by this act, or by any by-law or order of the said council to be posted up at any public place for the information of persons interested, shall incur a penalty of from one to twenty dollars for every such offence.

SECRETARY-TREASURER.

Secretary-Treasurer.

47. The city council shall appoint an officer who shall be called the "secretary-treasurer of the council."

Functions and duties.

2. The secretary-treasurer of the council shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept and filed in the offices or archives of the council; he shall attend all sittings of the council and shall enter in a register kept for the purpose, all the proceedings of the council, and he shall allow all persons interested therein, to inspect the same at all reasonable hours. And every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such secretary-treasurer, shall be deemed authentic;

Security required.

3. Every person appointed secretary-treasurer to the council shall, before acting as such, give the security hereinafter mentioned;

Nature of the security.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the council, before they shall be admitted as such. These sureties shall be jointly and severally bound, together with the secretary-treasurer, and

their obligation shall extend to the payment of all sums of money, for which the secretary-treasurer may, at any time, be accountable to the corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable, in the exercise of his office ;

5. Every security bond shall be made by a deed before a notary and accepted by the mayor ; it shall be the duty of the secretary-treasurer to transmit forthwith to the mayor a copy of the same, duly enregistered, provided always, that the said council may, if it deems advisable, accept as guarantee of the faithfulness of such secretary-treasurer or of any employee of the said council, in the accomplishment of their duties, and in the rendering of all accounts respecting city funds, placed in their hands, or under his control, the guarantee or policy of assurance of any incorporated or joint stock company, established for any such object, and this in the place and stead of the security specified in the sub-section immediately preceding ;

Notarial copy of the security shall be furnished.
Security by a policy of assurance.

6. The secretary-treasurer shall receive all moneys due and payable to the corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this act, for the payment of any sum to be expended or due by the corporation, whenever thereunto authorized by the council ; but no such draft or order shall be lawfully paid by the said secretary-treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby ;

Sec.-Treasurer shall pay and receive moneys.

7. The secretary-treasurer shall be obliged temporarily to deposit, in an incorporated bank, the moneys arising from assessments, taxes or otherwise, belonging to the corporation of the said city, and to leave them so deposited until they are used for the purposes for which they were levied, and they shall be withdrawn only on bons or checks under the signature of the mayor, or, in his absence, of the pro-mayor, and countersignature of the said secretary-treasurer ;

Taxes to be deposited in an incorporated bank.
Mode of withdrawing them.

8. The secretary-treasurer shall keep, in due form, books of account, in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands, or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;

Account books and vouchers to be kept.

9. The secretary-treasurer shall render to the council, every six months, that is to say, in the months of June and December in each year, or oftener if required by such council, a detailed account of his receipts and expenditure, attested by him under oath ;

Accounts to be rendered every six months.

10. The secretary-treasurer's books of account and vouchers of the expenditure shall, at all reasonable hours of the day,

Books open to inspection.

be open for inspection, as well to the council and to each of the members thereof, and to the municipal officers by them appointed, as to any tax-payer in the city ;

Sec.-Treasurer
may be sued
for an account.

11. The secretary-treasurer, or any other person who shall have filled the said office, may be sued by the mayor, in the name of the corporation, before any tribunal of competent jurisdiction, for rendering an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and, if he render an account, he shall be condemned to pay any sum that he shall be acknowledged or shall have been declared to owe, together with such other sums as he ought to have debited himself with, or as the court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent, in the nature of damages, and shall include a condemnation to pay the costs of suit ;

Judgment
carry impri-
sonment.

12. Every such judgment shall carry imprisonment against the said secretary-treasurer, according to the laws in force in like cases in the province of Quebec, if such imprisonment be demanded in the action to compel the rendering of the said account.

OTHER OFFICERS.

Power of the
council to ap-
point officers.

48. The council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this act, or of any by-law or regulation of such council.

Duty of officer
retiring from
office.

49. Every member of the said council, and every municipal officer, whether elected or appointed shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;

The heirs shall
be responsible
for the delivery
of books.

2. If any such member or officer of the said council die or absent himself from the province of Quebec, without having delivered up all such moneys, keys, books, papers, and insignia belonging to such office, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor, within one month from the day of his death or of his departure from the province ;

Right of the
successor in
office to re-
cover the
books.

3. And in every such case the said council, or the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any court of justice, either by *saisie revendication*, or otherwise, to recover from such member or officer or his legal representatives, and any other person in possession of the same, all such moneys, keys, books, papers or insignia, together with costs and

damages in favour of the corporation. And every judgment rendered in every such action may be enforced by imprisonment against the person condemned, according to the laws in force in such cases, in the province of Quebec, whenever the said imprisonment is demanded by the declaration.

50. The officers of the said council in office, at the time of the passing of this act, shall remain in office until they are replaced by the said council. Officers now in office.

51. The said council shall have the power to appoint, when they shall think proper, all such officers, constables and policemen, as they shall deem necessary for the due execution of the laws, and by-laws now in force or to be by them enacted hereafter, and to require from all persons employed by them in any capacity whatsoever such security as to them shall seem meet, to ensure the due execution of their duties, and to remove and replace them when they shall think proper. Power of the council to appoint policemen and other officers.

AUDITORS.

52. At the first meeting after each annual municipal election, two persons shall be appointed by the said city council, to be auditors of the accounts of the said council; and such auditors shall take the following oath, before any one of the justices of the peace, residing in the said city, that is to say : Auditors.

"I, A. B., having been appointed to the office of auditor of the city of Three-Rivers, do hereby swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do declare, that I have not directly or indirectly any share or interest whatever, in any contract or employment with, by, or on behalf of the city council of the said city of Three-Rivers : So help me God." Oath.

53. It shall be the duty of the auditors to examine, approve or disapprove of, or report upon all accounts which may be entered in the books of the said council or concerning it, and which may relate to any matter or thing under the control, or within the jurisdiction of the said city council, and may then remain unsettled; and to publish a detailed statement of the receipts and expenditure, and of the assets of the said council, in two newspapers, one in the English and the other in the French language, published in the said city, immediately after the close of the civic year, for the purposes of this act. Duty of auditors.

54. The auditors, who shall be appointed for the said city, shall be proprietors of real estate therein of the value of at Qualification of auditors.

Proviso : least twelve hundred dollars ; provided always, that neither the mayor, aldermen, councillors, secretary-treasurer of the said city, nor any person receiving any salary from the said council, either for any duty performed under their authority or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of auditor for the said city.

ASSESSORS.

Assessors and
valuators.

55. The said city council shall have power, whenever they may deem advisable, to appoint assessors or valutors of property, movable as well as immovable rateable in the said city, according to their real value, and these assessors shall be bound further to enter in the valuation roll everything taxable under this act, and within the periods which shall be fixed by the said city council ;

Duty of
assessors.

2. It shall, moreover, be the duty of the said assessors or valutors of the said city to assess and enter in the valuation roll of the said city the annual value of the rent of all immovable property occupied by any person who, not being the proprietor of such immovable, is not, however, obliged to pay any rent ;

Salary.

3. The said council shall, moreover, have power to fix the salary payable to the said assessors, and to establish by by-law, or by-laws, the manner of making the said roll, as to taxable persons or things.

Assessors to be
sworn.

56. Every person, so appointed assessor, shall be bound, before proceeding to the valuation of any property in the, said city, to take the following oath before the mayor of the said city, or in his absence, before one of the aldermen of the council, to wit :

Oath.

"I, A.B., having been appointed one of the assessors of the city of Three Rivers, do solemnly swear, that I will diligently and honestly discharge the duties of that office, to the best of my judgment and ability : So help me God."

Qualification of
assessors.

57. The assessors who shall be appointed for the said city, shall be proprietors of real estate in the said city, of the value of at least twelve hundred dollars.

Valuation roll
to be remitted
to the sec.-
treas. for in-
spection.
Notice.

58. When the assessors shall have made a valuation of all the rateable property, matters or things in the said city, they shall deposit the valuation roll with the secretary-treasurer of the said city, and notice of such deposit shall be given by the secretary-treasurer, in one or more newspapers published in the said city. And, at the next ensuing meeting of the said council, the said valuation roll shall be produced, and if they desire it, be examined by the council ;

and the valuation roll shall be deposited in the office of the secretary-treasurer for the period of one month, dating from such meeting; and, during that period, it shall remain open to inspection to all persons whose property, matters or things, shall have been estimated, or to their representatives; and within that period those considering themselves aggrieved may give notice in writing to the secretary-treasurer, of their intention to appeal to the said city council, complaining of any inexact valuation; and such complaint shall be tried by the said council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said council, after having heard the parties and their witnesses under oath, which shall be administered by the mayor or other presiding member of the council, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and, at the same meeting, the said valuation roll shall be declared closed for two years; unless, however, from the number of complaints the council shall be compelled to adjourn, in which case, the said roll shall not be declared closed, until all the complaints shall have been heard and determined; provided always, that if, after the said valuation roll shall have been declared closed as aforesaid, any property in the said city should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, the said council may, upon the petition of the proprietor, instruct the assessors to reduce their valuation of such property to its then actual value; and provided also, that if any omission shall have been made in the said valuation roll, the said council may order the assessors to value any property so omitted, in order to its being added to the roll.

Examined by the council.

Complaint.

Judgment on them.

Closing of the roll.

Re-estimating.

Omission.

59. The said council, shall cause, within the year following that during which the valuation roll for the said city shall have been made, the roll then in force, to be revised, and shall cause to be inscribed thereon, any change, or increase, or decrease, which may have occurred in relation to the number or value of real estate, rents, stocks in trade or goods, animals and vehicles, professions, occupations and trades, finally of all persons or things liable for the payment of municipal taxes and assessments.

Revision of the valuation roll in force.

60. Whenever the valuator neglect to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the secretary-treasurer of the council, within two months from the date of their appointment, every such valuator in default shall incur a penalty of two dollars for each day which shall elapse between the expira-

Valuator neglecting to make the valuation roll.

Penalty.

tion of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office be so appointed.

Penalty incurred for false representation as to the rent.

61. From and after the passing of this act, every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said city such receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessments, shall be liable on conviction thereof, before the mayor or justice of the peace, to a penalty of twenty dollars, or to imprisonment during one calendar month, according to the judgment of such mayor or justice of the peace.

BY-LAWS AND REGULATIONS.

Power to make certain by-laws and when.

62. It shall be lawful for the said city council, on the first Mondays in September, December, March and June, to make such by-laws, as may seem to them necessary or expedient, for the internal government of the city, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares, and vacant or occupied lots, for the prevention or suppression of any nuisance whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said city.

Legality of the Corporation by-laws is presumed.

63. The existence or legality of the statutes and by-laws passed by the said corporation, and invoked in any action or judicial proceeding whatsoever, shall be taken to be admitted when so invoked, unless such existence or legality be specially called in question.

Coming into force of the by-laws.

64. Every by-law passed by the said council shall come into force and effect on the day named in the said by-law for that purpose, without posting up or publishing the same.

Right to vote reserved to certain proprietors of real estate in certain cases.

65. Whenever a by-law or by-laws, shall have been passed by the council of the said corporation to tax real estate in the said city, and which shall be subject to the approval or disapproval of the municipal electors of the said city, the resident proprietors of real estate in the said city, of the value of at least two hundred dollars, according to the assessment roll then in force, shall alone be entitled to vote on any such by-law; and a list of the said proprietors thus quali-

fied as above to vote on such by-law or by-laws shall be prepared by the secretary-treasurer of the said council, and shall be posted and revised in the same manner and within the same delays as are, under this act, the lists of voters at the annual municipal elections of the said city.

66. The said council shall have power to make by-laws : Power to make by-laws to grant lots and open streets.

1. For the concession of emplacements and for opening new streets in the common of the said city, to such extent as may from time to time be required, and upon such conditions as the council may deem proper, any law to the contrary notwithstanding ;

2. For amending, modifying or repealing the regulations and by-laws, or such of them as they may deem advisable, made by the municipal or town councils, who have had the management of the internal affairs of the said city ; To amend, &c., old by-laws.

3. For establishing one or more new market places ; and for extending the market places now existing or which may be hereafter established ; the whole subject to the payment of the damages which may be incurred by parties in consequence of their respective lands being encroached upon by the extension of such market places ; To establish market places.

4. For determining and regulating the duties of the clerks of the markets in the said city, or all other persons they may deem proper to employ in superintending the said markets ; and for letting the stalls or places for selling upon, in and about the said market places ; and for fixing and determining the duties to be levied upon any persons selling on any of the said markets, any provisions or produce whatsoever ; and for regulating the conduct of all such persons in selling their goods ; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose, by the said council, and on the payment of such fees, as the said council may think fit to impose in that behalf, of any things offered for sale on the said markets ; To regulate the duties of market clerks, &c. Duties to be levied, &c. Weighing.

5. To punish all persons, by the confiscation of their articles, provisions and food, who, by exposing the same for sale in the markets or in the streets of the said city, shall infringe upon the by-laws passed by the said council as to the weight or quality of such articles, provisions or food ; To punish by the confiscation of articles, &c.

6. For regulating the placing of vehicles in which any articles shall be exposed for sale on the said markets ; Placing of vehicles.

7. For preventing persons bringing articles of any kind into the said city, from selling or exposing them for sale, or for allowing the same, in any place other than the markets of the said city ; To prevent the sale of articles elsewhere than on the market.

8. For regulating the weighing and measuring of all cordwood, sawn wood, lumber, coals, salt, grain, lime, hay and straw, brought into or sold in the said city, by strangers or persons residing therein ; To regulate the weighing, &c.

To determine
in what man-
ner articles
will be sold.

9. For determining in what manner the said articles or all others shall be sold and delivered, as to quality, quantity or weight, and for obliging all persons to observe, in the above matters, the by-laws which the said council shall hereafter deem useful to establish.

By-laws of
the council,
considered as
public laws.

67. The by-laws of the said council shall be taken and considered as public laws, within the limits of the said city, and shall be judicially recognized by all judges and other persons whomsoever, without it being necessary to plead them specially.

ROADS.

Power to ac-
quire lands for
public pur-
poses.

68. The said council shall have full and unlimited power to purchase and acquire out of the revenues of the said city, all such lots, lands and real property whatsoever, within the said city, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or for the erection of any public building, or generally for any object of public utility for the use of the said city or municipality.

Mode of
acquiring, on
refusal to sell,
&c.

69. When the proprietor of a lot, which the said council shall be desirous of purchasing, for any object of public utility whatsoever, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the province, or in case such lot of land shall belong to minors, issue unborn, lunatics, idiots or married women, the said council may apply to the circuit court of the district of Three Rivers, or to any other court, for the appointment of an arbitrator by the said court, to make, conjointly, with the arbitrator appointed by the said council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall have made their report to the said council, at a regular meeting thereof, the said council may acquire such lot, on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the prothonotary of the superior court for the district of Three Rivers, for the use of the persons entitled thereto; and if no person entitled to such indemnity shall appear, within six months after such amount has been deposited in the hands of such prothonotary, to claim the sum so deposited, it shall then be lawful for the said prothonotary, and he is hereby required, to remit such sum to the secretary-treasurer of the said council, to be by him deposited with the moneys of the said city, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said council to any person entitled to receive the same, within three

Arbitrators.

Their reports.

Price deposit-
ed.

months after a formal notification shall have been given to the mayor or the secretary-treasurer of the said city, to pay the same; provided always, that when the said council shall refuse to take, and pay for all such land, which has been thus valued by arbitrators as aforesaid, notice shall be given to the proprietor, or possessor, or to the agent of the proprietor of such land, within the fifteen days next after the receipt by the said council, of the report of the said arbitrators, and, in such case, payment shall be made to the proprietor or possessor of such land, of all damages which he may sustain, or has sustained, in consequence of the refusal of the said council, to take and purchase such land, which damages shall be estimated by the arbitrators who have valued the said land.

Case where the council does not take the land.

70. The said council shall also have power to make by-laws: Power to make by-laws.

1. For placing under the control of the said council any road, street, lane, sidewalk, brook, ditch, drain and bridge, or part of any road, street, lane, sidewalk, brook, ditch, drain and bridge, within the said city, and for opening, making, improving, repairing, maintaining, and keeping the same in good order; and for imposing certain special taxes on all proprietors of any lands, lots or emplacements, bound by law or under any *procès-verbal* or by-law made by the said council, to open, make, improve, maintain and repair any such road, street, lane, sidewalk, brook, ditch, drain or bridge as the said council may so take under their control; in order to refund the said council, in whole or in part, all costs and expenses incurred for such purposes. Such special tax shall be reckoned and payable to the said council in proportion to the extent of any land so taxed along such road, street or lane, and to the extent of land crossed by such brook, ditch or drain; and when and so soon as such roads, public squares, streets, lanes, side-walks, streams, ditches, drains and bridges shall be placed under the control of the said council, the persons obliged to make, improve, maintain, and repair the same shall be discharged therefrom, and the said council shall alone then be held to open, make, improve, maintain, repair and keep the same in good order; Roads, streets, lanes, &c. Taxes for that and.

2. To cause to be valued by arbitrators or assessors, in the manner prescribed by the fifty-fifth, fifty-sixth, fifty-seventh and fifty-eight sections of this act, the increase in value acquired by properties, the value of which is increased, or which shall have been benefited by the opening, extension, or widening of any street, road or public square, by the said council, and to impose a special tax or assessment on the properties so valued, for the purpose of causing to be paid by the proprietors of the said lands, the fourth or any other pro- To cause properties to be valued in certain cases and impose taxes on their increasing value.

- portion, less than one-fourth of the cost of such works or improvements, as the said council may deem just and fair; provided that the amount that each proprietor shall be obliged to pay for any such improvements, shall not in all exceed twenty-five per cent of the increased value given to his property by such improvements; the surplus of the cost of such works or improvements shall be paid out of the general funds of the city;
- Proviso :**
- To lay out winter roads.** 8. To cause winter roads to be laid out across any fields or enclosure, excepting orchards, gardens, yards or other lands enclosed in hedges;
- To repair and maintain roads, side-walks, &c.** 4. For making, improving, repairing and maintaining all roads, streets, lanes, sidewalks, fences, ditches, bridges or drains, which the proprietor or possessor of any land in the said city may be obliged to make, improve, maintain and repair, and which such proprietor or possessor has neglected or refused to make, improve, repair or maintain, and to charge the costs against such property, and to recover the amount thereof in the manner provided for the payment of arrears of assessment;
- Recourse.**
- To regulate the width of streets, &c.** 5. For regulating the width of streets to be hereafter opened in the said city; for widening, lengthening or closing any street, and for regulating and altering the height or the level of any street or side-walk in the said city; provided, that if any person shall suffer real damage, by the widening, lengthening, closing, or altering the level of any street in the said city, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it;
- Indemnity.**
- Sale on public highways.** 6. For preventing the sale in public highways of any merchandise or produce whatsoever;
- Obstructions in the streets.** 7. For preventing and hindering all obstacles and obstructions of any nature whatsoever in streets;
- Public pounds.** 8. To establish as many public pounds as the said council shall deem expedient to open for the impounding of animals of any kind, which may be running at large in the said city;
- To compel proprietors to enclose their lots.** 9. To compel the proprietors of all land and real property within the said city, their agents or representatives, to enclose the same, and to regulate the height of the fences, and strength and quality of the materials used;
- Encroachments in streets.** 10. To oblige all proprietors or occupants of houses in the said city, to remove from the streets all encroachments of any sort, such as steps, galleries, porches, posts, and all other obstacles whatsoever;
- Old walls, &c.** 11. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description, that may be in a ruinous state, and to cause to be removed from the streets all sheds, stables, and other buildings on the line of any street, or in

the immediate vicinity thereof, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

12. For assessing proprietors of real property situate on any of the streets of the said city, for such sums as shall be deemed necessary for making or repairing any common sewer, in any of the streets of the said city, such assessment being in proportion to the assessed value of such property ; and for regulating the mode in which such assessment shall be collected and paid ;

Proprietors to be assessed for repairs to sewers, &c.

13. For assessing all proprietors, tenants or occupants of property situated in any street or public square of the said city, in any sums necessary to meet the expense of sweeping, watering, and keeping clean, such street or public square, and for removing the snow from any such street, lane or public place, such assessment to be in proportion to the assessed value of such property ;

Tax for sweeping and watering the streets.

14. For preventing the driving of vehicles at an immoderate pace in the said city, and riding on horseback on the sidewalks of the said city, and the cruel treatment of horses or other beasts.

For preventing driving at an immoderate pace.

71. Except in the discharge of a duty imposed by law, no person shall, without the permission of the proprietor or occupant, enter or pass upon any land, lot or emplacement situated within the limits of the said city ; and any person contravening the provisions of this section, may be prosecuted by such proprietor or occupant, before one or more justices of the peace, and it shall be the duty of such justice or justices, upon the deposition of one credible witness, other than the complainant, to condemn such person, for every offence, to pay a fine of from one to twenty dollars, and the costs, and in default of payment by the person so condemned, to commit him to the common jail for a period not exceeding two months.

Trespass on private property not allowed.

Penalty.

72. It shall be lawful for the said city council to order the inspector of the said city, to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said city, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions, by giving to such persons a reasonable delay for that purpose, which delay shall be specified by the said city inspector in giving his notice ; and, if such persons shall not have removed such encroachments or obstructions within the delay specified, the council may order the said inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose ; and the said council may allow to

Obstructions in the streets removed by order of the inspector.

the said inspector his reasonable expenses, and recover the same before any court, having competent jurisdiction, from any person making such encroachment or obstruction.

Power of the council to prevent rebuilding on a site when it encroaches on the public streets or squares.

73. It shall be lawful for the said council, whenever any house shall encroach upon any of the streets or public squares of the said city, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house, and it shall be lawful for the council to purchase any part of such lot encroaching upon any street, or to require the proprietor to dispossess himself thereof, in consideration of indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said council, and by the party they are desirous of disposing; and the said arbitrators after having been sworn by a justice of the peace, shall take cognizance of the matter in dispute, and, after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

SALE OF LIQUORS.

Right of granting certificates for hotel licenses.

74. The said council shall continue to have the exclusive right of granting or delivering certificates, for the procuring of hotel licenses, any law or custom to the contrary notwithstanding, and such certificate shall be signed by the mayor and secretary-treasurer of the said council, and be sealed with the common seal of the said council.

Power to make by-laws :

To prevent or authorize the sale of liquors.

Conditions, &c., of licenses.

Regulating shop-keepers, &c.

Sale of liquor to minors, &c.

75. And the said council shall have power to make by-laws :

1. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to all such restrictions as they may deem expedient ;

2. For determining under what restrictions and conditions and in what manner the collector of inland revenue, for the district of Three Rivers, shall grant licenses to merchants, traders, shop keepers, tavern keepers, and other persons to sell such liquors ;

3. For regulating and governing all shop-keepers, tavern keepers, and other persons selling such liquors by retail in any place whatever, in such manner as they may deem expedient to prevent drunkenness ;

4. For preventing the sale of any intoxicating beverage to any minor child, apprentice, or servant.

POLICE.

76. The said council shall also have power to make by-laws :

1. For the government, arming, lodging, clothing and ^{Police.} paying a police force in the said city, and for determining the duties thereof ;

2. For prohibiting gaming-houses, places for gambling, ^{Gaming} house of ill-fame, or any other description of immoral or dis- ^{houses, &c.} orderly house, being maintained the said city.

77. It shall be lawful for any one of the members of the ^{Power of any} said council, individually, to order the immediate appre- ^{member of the} hension of any drunken, disorderly, and riotous person, ^{council to} whom he shall find disturbing the public peace, within the ^{arrest disor-} limits of the said city, and to confine him in the common ^{derly persons.} gaol of the district, or other place of confinement, in order that such person may be secured until he can be brought before the mayor, or a justice of the peace, to be dealt with according to law.

78. It shall be lawful for any constable, to appre- ^{Any constable} hend and arrest all persons, whom he shall find dis- ^{may arrest of-} turbing the public peace, within the limits of the said ^{fenders.} city, and also every person who shall be found sleeping in any field, land, highway, yard, or other place, or shall be found loitering and idling in any such place, and shall not give satisfactory reasons for his conduct ; and every such constable shall deliver such person into the custody of the person, who shall have the charge of the prison, or any other place of detention, in order to the safe keeping of the said person, until he shall be brought before the mayor or other magistrate, to be dealt with according to law.

FIRES.

79. For the better protection of the lives and property of ^{Protection of} the inhabitants of the said city, and for more effectually ^{lives and pro-} preventing accidents by fire, the said council may make by- ^{erty against} laws to be binding on all persons for the following purposes, ^{fire.} to wit :

1. To prevent and hinder the construction or erec- ^{To prevent} tion of any building of inflammable material, within the ^{building being} limits of the said city, and to impose a penalty not exceed- ^{constructed of} ing twenty dollars for each day, during which the parties ^{inflammable} shall infringe such by-laws, and such fine shall be recover- ^{material.} able in the manner provided by the one hundred and twenty-eighth section of this act ;

For regulating the construction of chimneys.

2. For regulating the construction, dimensions, and height of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings; and at whose cost the elevation of such chimneys shall be raised, and within what delay they shall be raised or repaired;

For the maintaining of fire engines, &c.

3. For defraying out of the funds of the said city any expenses that the council may deem necessary to incur for the purchase of fire engines or apparatus of any kind for the same use, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires;

For the protection of property, &c., at fires.

4. For preventing thefts and depredations which may be committed at any fire in the said city; and for punishing any person who shall resist or maltreat any member or officer of the said council, in the execution of any duty assigned to him by the said council, under the authority of this section;

Enquiry in case of fire.

5. For establishing or authorizing or requiring to be established, after each fire in the said city, a judicial enquiry into the cause and origin of such fire; for which purpose the said council or any committee thereof, authorized by it for this purpose, may summon and compel the attendance of witnesses, and examine them on oath, which oath shall be administered to them by any of the members of the said council or of such committee;

For the sweeping of chimneys.

6. For regulating the manner in which and the periods of the year when, chimneys shall be swept, and for granting licenses to such numbers of chimney sweeps as the said council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said city to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the council or such licensed chimney-sweeps; which rates for chimney sweeping, if paid to the council, shall be taken as municipal taxes; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons whose chimneys may have caught fire, after any refusal to allow them to be swept, such penalty to be recovered before any justice of the peace; and whenever any chimney, which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said justice of the peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn, on proof before him;

Penalty if Chimneys have caught fire, &c.

Respecting ashes and quick lime—carrying fire, &c.

7. For regulating the manner in which ashes and quicklime shall be kept in the said city, and for preventing all the inhabitants of the said city from carrying fire in the streets

without necessary precautions, from making a fire in any street, from going from their houses to their yard out-buildings, and entering therein with lighted candles not enclosed in lanterns; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire;

8. For regulating the conduct of all persons present at any fire in the said city; for compelling idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for compelling all the inhabitants of the said city to keep at all times upon and in their houses, ladders, fire-buckets, battering-rams, and fire-hooks, in order to arrest more easily the progress of fires;

Conduct of persons at fires, and means of arresting the progress of fires.

9. For defraying out of the funds of the said city, any expense which the said council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any serious disease at any fire in the said city; or in assisting or providing for the family of their employees who shall perish at any fire; or in bestowing rewards, in money or otherwise, upon persons who shall have been particularly useful, or who shall have specially exerted themselves, at any fire in the said city;

To help persons wounded, &c., at fires, or their families.

10. For vesting in such members of the council or in the fire inspectors, or to the said members and inspectors to be designated in such by-laws, the power of ordering to be demolished during any fire, any houses, buildings, out-houses, or fences which might serve as fuel to the fire, and endanger other property of the inhabitants of the said city;

Houses demolished in order to arrest a fire.

11. For appointing all such officers as the said council shall deem necessary for carrying into execution the by-laws to be passed by them in relation to accidents by fire; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said city;

Appointment of officers of the fire department, &c.

12. For fixing the places for the erection in the said city of manufactories or machinery worked by steam.

To fix the places for manufactories.

13. For authorizing such officers, as the council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and the outside of all houses and buildings of any description, within the said city, for the purpose of ascertaining whether the by-laws passed by the said council, under the authority of this section, are regularly observed, and for obliging all proprietors or occupants of houses in the said city, to admit such officers for the purposes hereinabove set forth.

To give powers to the off. for examining houses, &c.

HEALTH.

Power to make
by-laws re-
specting
burials.

80. The said council shall also have power to make by-laws :

1. For fixing and regulating the places in which interments may take place within the said city ; for compelling the taking up of any bodies interred within the said limits contrary to this provision ;

Stagnant
waters.

2. To compel the proprietors or occupants of lots of land in the said city, having stagnant water thereupon, to drain or raise such lands so that the neighbors may not be incommoded, nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, and having no representative or agent in the said city, it shall be lawful for the said council to order the said lands to be drained, or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence the same ; and in every case the sum expended by the said council in improving such lands, shall remain as a special hypothec on such lands, and have privilege over all other debts whatsoever, without it being necessary to register the same ;

Board of
health and its
by-laws.

3. For establishing a board of health, and investing them with all the privileges, powers, and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such board of health shall deem necessary for preserving the citizens of the city from any contagious diseases, or for diminishing the effects or the danger thereof.

MISCELLANEOUS POWERS.

Power to make
by-laws re-
specting the
weight and
quality of
bread.

81. The said council shall also have power to make by-laws :

1. For regulating, fixing and determining the weight and quality of bread which may be sold or offered for sale, within the limits of the said city, and to provide for the inspection and weighing of bread exposed for sale, and for the seizure, forfeiture, confiscation, and the mode of disposal after confiscation, of all bread baked or exposed for sale in contravention of the said by-laws, or such bread under weight prescribed or unwholesome, and to this end, to empower officers or any fit person, to enter into bakeries or other places, and to stop vehicles carting bread, for the purpose of inspecting or weighing such bread, and to do any other act or thing that may be necessary, or that may be

so deemed for the public interest, for the attainment of such object, or for causing such by-laws to be enforced ;

2. For regulating the conduct and certain duties of apprentices, domestics, hired servants and laborers in the said city ; and also certain duties and obligations of masters and mistresses towards servants, apprentices and laborers ;

To regulate the duties of apprentices, &c., masters, &c.

3. To assess, over and above all other rates specially established by this act, all the citizens of the said city, to meet the expenses of any indemnity which the said council might be obliged to pay to persons in the said city, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly ; and if the said council shall neglect or refuse within six months after such destruction or damage caused to any property in the said city, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said council shall be liable to be sued for such damage, before any court of justice in this province ;

Damages caused by riots

4. To cause all dangerous and vicious dogs, or those for which no tax has been paid by the person obliged to pay the same, to be killed ;

Dogs.

5. For providing out of the funds of the said city a supply of water for the citizens of the said town, and for the lighting of the said city with gas, or in any other manner ; and for compelling the owners of immovable property within the said city, to allow the necessary works for these purposes to be performed upon their respective properties ; and for compelling all proprietors to allow the necessary pipes, lamps or posts to be attached to their houses ; provided always, that in all these cases, the expense of such pipes, lamps and other necessary works shall be borne by the said council ; and provided also, that the solidity of the buildings on or near which they shall be, shall be in no way affected thereby, and that all damages which may be caused shall be paid by the said council, and that every proprietor shall be indemnified by the said council.

Water and gas.

Proviso :

Proviso :

WATER WORKS.

82. Whereas the council of the said city has lately acquired from the shareholders of the " Water-works Company of Three Rivers," their shares, rights and pretensions in the said water-works company ; and moreover, whereas the corporation is now the sole proprietor and in possession of the shares and property of the said Three Rivers water-works company, the said water-works shall belong for the future to the said corporation, and shall be called the water-works of Three-Rivers, and all transactions made by the council of the said city with the said shareholders

Water works.

for the purchase of their said rights and pretensions, are, by this act, declared legal and valid for all lawful purposes.

Rights of the
gas and water
Cos. conferred
to the council.

Proviso :

New aqueduct.

Water rates.

Collection of
rates.

Costs of intro-
duction.

Proviso :

Water rates
are privileged
debts.

83. Upon the said council are, by this act, devolved all the rights, duties, powers and privileges conferred and imposed upon joint stock companies, for furnishing gas and water to cities, towns and villages, by the sixty-fifth chapter of the consolidated statutes of Canada, and by the act 23 Vict., chapter 32; provided always, that it shall not be necessary to publish any by-law passed by the said council, in conformity with the provisions of the above mentioned acts.

84. To meet the requirements of the said city, the said council may construct a new aqueduct with iron pipes and steam engines, and may expend for this purpose a sum not exceeding one hundred and fifteen thousand dollars.

85. When and so soon as the said city council shall be ready and prepared to furnish to the said city or any part thereof, water from the said aqueduct, or from any other aqueduct which the said council may make and construct under the authority of the preceding provisions of this act, it shall be lawful for the said council to establish a tariff of rates for the water furnished or to be furnished in the said city by the aqueduct, which rates shall be payable at the times and in the manner prescribed by a by-law to that effect, by all proprietors, occupants or others to whom the said water, from the said aqueduct, shall be supplied or to whom it may be hereafter supplied; which rates, for supplying water, from the said aqueduct, shall be collected in the same manner as are the municipal taxes and assessments, and may be payable by those who shall consent to receive into their houses, stores, workshops, offices, places of business or other buildings, the pipes of the said aqueduct; provided always, that the cost of the introduction of the said water into the said houses, stores, workshops, offices, places of business or other buildings, shall be borne by the said council, and the works performed by them; but the cost of distribution of the said water into and in the interior of the said houses, stores, workshops, offices, places of business or other buildings, after having been introduced therein, shall be borne by such proprietors or occupants requiring such water.

86. The sums due to the said council for water from the said water-works supplied to the proprietor or tenants of any land in the said city shall be privileged debts against such land, saving the recourse of the proprietor against his tenant, which recourse shall be secured by the landlord's privilege.

87. All revenue arising from the said water-works shall form a special fund, separate from the other revenues of the said city, and shall be specially and solely applied to the liquidation of the debts contracted or to be contracted for the purchase, repair, improvement or extension of the said water-works, and to the payment of the interest on such debts.

Use of the
revenue from
water works.

DEBENTURES.

88. For the purpose of constructing a new aqueduct with iron water pipes, the said city council is hereby authorized to issue debentures or obligations for, or to otherwise contract on the credit of the city of Three Rivers, a debt which shall not exceed one hundred and fifteen thousand dollars, which debentures, thus issued solely and only to build the said new aqueduct, shall be under the signature of the mayor, and countersigned by the secretary-treasurer, and sealed with the seal of the corporation, and shall bear interest, payable semi-annually on the first days of January and July in each year, at a rate not exceeding six per cent per annum, and there may be annexed to all such debentures or obligations coupons to the amount of the semi-annual interest thereon, which coupons, having been signed by the mayor and the secretary-treasurer, shall be respectively payable to the bearers thereof, when, and so soon as the semi-annual interest therein mentioned shall become due, and shall be, at the time of the payment thereof, delivered to the corporation, and the possession of every such coupon shall be *prima facie* proof that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or obligation, and every such debenture or obligation, principal as well as interest, shall be secured by special and privileged hypothec on the produce market, Champlain square, the city hall, and on the said water-works.

Issue of debentures for the construction of a new aqueduct.

89. Nothing in this act shall have the effect of annulling or rendering illegal any issue of debentures or obligations that may have taken place or have been allowed by any of the acts respecting the city of Three Rivers, that are repealed by the present act, or of diminishing or restricting the privileges securing such debentures.

Old debentures or obligations.

90. It shall be the duty of the secretary-treasurer of the council of the said city, to take, each year, out of and from the annual revenues and funds of the corporation of the city of Three Rivers, from whatever source they arise, and before the payment of any appropriation whatever out of the said revenues or funds, a sum of money equal to two per cent or more on the amount of the

Sinking fund, for the debentures issued and to be issued.

Semi-annual
interest of the
debt.

Duty of the
sec.-treas.

Penalty.

Duties of the
members of the
council.

Investment of
the sinking
fund.

Proviso:

debentures or obligations bonds, issued in virtue of the present act, or already issued, which said sum of money the said secretary-treasurer shall keep separate from all other moneys, to invest and apply them according to the orders of the said council, solely and only as a sinking fund, for the extinction of the debt created by the issuing of the said debentures or obligations; it shall also be the duty of the said secretary-treasurer to take, at the same time, from and out of the annual revenues and funds of the said corporation, from whatever source they may arise, and before the payment of any appropriation whatever out of the said revenues or funds, such sums of money as shall be sufficient for the payment of the semi-annual interest becoming due on the debt created by the issuing of the said debentures or obligations; and it shall be the duty of the secretary-treasurer to place before the council, at its first meeting in the month of July in each year, a certificate signed by him, and countersigned by the mayor of the said city, certifying that he has faithfully performed the obligations imposed upon him, by the present section of this act, and in default of his so doing, the said secretary-treasurer shall *ipso facto* be liable towards the said corporation to a fine of two hundred dollars, which shall be recoverable before any court of competent jurisdiction by action of debt, instituted by the said corporation; and the said fine shall form part of the said sinking fund; and it shall be the duty of the mayor, or of the person acting as such for the time being, and of the other members of the city council, to see that the provisions of this section be strictly carried out each year, by the persons whose duty it is to execute them, and within the time prescribed, and that the sum thus placed apart as a sinking fund be invested without delay in public securities of the Dominion of Canada or of this province, or in shares of such incorporated banks, which offer the most ample guarantees, and shall be most advantageous for all the parties concerned; provided, that it shall be always at the disposal of the said secretary-treasurer, when he requires it for the purpose of redeeming, by order of the said council, any of the said debentures or obligations.

LOANS.

Right to bor-
row.

Interest.

91. Whenever the council shall contract loans on the credit of the said city, to effect improvements or for other purposes of public utility in the said city, it shall be held, and it is hereby enjoined to immediately provide for the payment of the annual interests on such loans, which interests can in no case, exceed the legal rate of interest in this province; and the said council shall also, whenever it contracts a loan, provide out of its revenues, for the

establishment of a sinking fund, which sinking fund shall be a sum equivalent to at least two per cent of the debt to be extinguished; provided always, that when the interests on all the debts, engagements and loans, and sinking fund combined, shall absorb one half of the annual revenues of the said council, then and in that case, it shall no longer be lawful for the said council to contract new loans, the intention of this act being, that the said council shall not devote to interest and sinking fund for its debts and loans, more than one-half of its revenues.

Sinking fund.

Loans limited.

FERRIES.

92. The exclusive right of granting licenses or permits for ferries, between the said city and the southern shore of the river St. Lawrence, as well as between the said city and the parish of Ste. Marie Madeleine, called Cap de la Madeleine, shall belong, as heretofore, to the council of the said city, and the corporation of the city of Three Rivers shall be in return bound to maintain the winter roads on the said ferries.

Right to grant ferry licenses.

93. The said city council shall grant the said licenses for ferries on such conditions, obligations and restrictions as it may establish by by-law for that purpose, and may by the same by-law establish a tariff or tariffs of rates of toll, for the ferries mentioned in the section immediately preceding.

Conditions.

SCHOOLS.

94. All the powers and duties of the school commission-ers for the school municipality of the city of Three Rivers, are and shall continue to be devolved upon the corporation of the said city; and the mayor, aldermen and councillors of the said city, and their successors in office, shall be *ex-officio* school commissioners for the said city, for all purposes whatsoever for the schools in the said city; the mayor shall of right be their chairman, and their corporate name when acting as such commissioners shall be "The School Commissioners for the City of Three Rivers."

Members of the council are school commrs.

95. Nothing contained in this act shall prejudice the rights and privileges of dissentients, who shall continue and remain in all respects as if this act had not been passed.

Privileges of dissentients.

96. No alderman or councillor, being a dissentient, shall act as a school commissioner, in case there shall be one or more dissentient schools in operation in the said city; but the other members of the said council, or the majority thereof, shall act as such commissioners.

No dissentient alderman or councillor shall be school commissioner.

Case of the mayor being a dissentient.

97. In case the mayor elected is a dissentient, the members of the said corporation, qualified to act as such school commissioners, as aforesaid, shall choose one of their number to be the chairman of the said school commissioners.

Sec.-treas. of the council is sec.-treas. of the school commrs. if he is not dissentient.

98. The secretary-treasurer of the council of the said city, shall of right be the secretary-treasurer of the said school commissioners; but if the said secretary-treasurer is a dissentient, it shall be lawful for the said school commissioners to replace him by a non-dissentient.

Person who desires to be a dissentient.

99. Every one liable for the payment of school taxes, who, after the passing of this act, shall not be recognized as a dissentient by the school commissioners, and who desires to be so recognized as a dissentient, shall give notice thereof in writing to the secretary-treasurer of the said school commissioners, and every such person, not giving such notice, shall be obliged to pay the said school taxes and contributions, to the said school commissioners.

Investment of the price of ecclesiastical estate ceded to the corpor.

100. Civil or ecclesiastical corporations, whose property or any part thereof, shall be ceded to the corporation of the said city of Three Rivers, or taken by them for public purposes, may invest the price or compensation paid for the property thus ceded or taken, in any other real estate in any part of this province, and may hold and possess the said property without letters of *mortmain* from Her Majesty, any law to the contrary notwithstanding.

TAXES AND ASSESSMENTS.

Annual taxes.

101. In order to provide the necessary funds to meet the expenses of the said city council, and to provide for the several necessary public improvements in the said city, the said city council shall be authorized to levy annually at the beginning of each fiscal year, on persons and on movable and immovable property in the said city, the taxes hereinafter designated, to wit:

On real estates.
Exception.

1. On all lands, city lots, or parts of lot, excepting churches, bishops' palaces, parsonage houses, charitable and educational establishments, as also their dependencies, whether there are buildings erected thereon or not, with all buildings and erections thereon, the sum of fifty cents in each hundred dollars of the total real value, as entered on the valuation roll of the said city;

On certain movable properties.

2. On the following movable property, a like annual sum of fifty cents in the hundred dollars at the value herein specified;

Every horse kept for covering mares shall be rated at four hundred dollars;

Every horse kept for hire or gain, at sixty dollars ;

Every horse above the age of three years, kept for domestic purposes, at forty dollars ;

Every bull, at forty dollars ;

Every head of horned cattle, aged two years and upwards, at forty dollars ;

Every covered carriage, at two hundred dollars ;

Every open carriage with two seats, at eighty dollars ;

Every open vehicle with one seat, at forty dollars ;

Every two horse sleigh or cariole, at sixty dollars ;

Every one horse sleigh or cariole, at twenty dollars :

Provided always, that all winter and summer vehicles used solely for the purpose of drawing loads, and all vehicles commonly called draught vehicles, and also one milch cow for each family, and any animal of a less value than twenty dollars, shall be exempt for any tax whatsoever ;

3. On the stock in trade of all descriptions, kept by merchants and dealers, and exposed for sale in shops, or kept in vaults or store-houses, on all yards or depots for rough, sawn or manufactured wood or lumber, and on all yards or depots for coal or other articles of commerce kept for sale, a tax of one eighth per cent on the average estimated value of such stock or other articles of commerce or trade ;

4. On all tenants paying rent in the said city, saving the exception specified in the first sub-section of this section, an annual sum equal to two and one-half cents in the dollar on the amount of rent ; provided always, that every occupant of an immovable of which he is neither proprietor nor tenant shall be liable for the payment of the present tax, according to the value of the rent of such immovable, as fixed by the assessors ;

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said city during six months, and who shall not be liable to the payment of any tax in virtue of this act, an annual sum of one dollar, which tax shall be called capitation tax ;

6. On every dog kept by persons residing in the said city, an annual sum not exceeding three dollars ;

7. It shall be lawful for the said council to impose certain duties or annual taxes on the proprietors or occupiers of houses of public entertainment, taverns, coffee-houses, and eating-houses ; and on all retailers of spirituous liquors, and on all pedlars and petty chapmen bringing, for sale into the said city, any articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers or keepers of theatres, circuses, menageries, billiard-tables, ball-alleys, or other games or amusements of any description ; and on all auctioneers, grocers, bakers, butchers, hucksters, carters, horse runners, brewers, distillers, and owners of steam engines, and on all traders and manufacturers ;

on all proprietors or keepers of wood or coal yards and slaughter-houses in the said city ; on all money changers, or money brokers, brokers, pawnbrokers and their agents ; on all bankers and their agents ; and, generally, on all trades, manufactures, occupations, arts and professions which have been or may be exercised and introduced in the said city, whether the same be or be not mentioned herein, and whether the same be exercised by one or more different persons ; and the stores or workshops of mechanics shall be divided into first and second class, and every store or workshop which shall be declared by the assessors to rank in the first class, shall be assessed at the rate of one dollar per annum, and those of the second class at twenty-five cents per annum ;

Provide :

Provided always, that it shall be lawful for the said council to establish by by-law for that purpose, that any one of the duties or taxes hereinbefore set forth, shall be a special or annual tax, and that in any by-law or other document of the said council, the word "license" may be employed to designate such duty or tax.

COLLECTION OF TAXES.

Collection of taxes.

102. Immediately after the closing and homologation by the said city council of the valuation roll, the secretary-treasurer of the said council shall forthwith prepare a collection roll containing the names in alphabetical order, of all the rate-payers liable to the payment of the duties, taxes or assessments authorized by the present act.

Sec.-treas.
shall give notice that he has completed the collection roll.

103. The secretary-treasurer, when he shall have completed his collection roll, shall proceed to collect the taxes therein mentioned, and for that purpose shall give or cause public notice to be forthwith given, in one or more newspapers published in the said city, that the collection roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments are required by him to pay the amount thereof at his office within the twenty days which follow the publication of the said notice ;

20 days after,
demand of payment.

2. If, at the expiration of the said twenty days, there shall be any arrears of assessment, the secretary-treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve upon each person in arrears personally, a detailed statement of the different sums and the total amount of assessments due by such person in arrears, as well as all sums due to the said council for constituted rents, water rates, rents or market revenues arising from all sources, obligations or moneys disbursed by the said council in conformity with the provi-

sions of any obligation, contract or agreement with the said council, or of any by-law of the said council, duties or licenses payable to the said council, and of all judgments obtained before any court of justice, and at the same time and by a notice annexed to the said statement, he shall demand the payment of the assessments and other debts therein mentioned, together with the expenses of the service of such notice, according to such tariff as the council shall have decided upon ; provided always, that the said notice may be signed by the said secretary-treasurer or by one of his assistants, and served by any of the employees of the said council ;

Proviso :

3. If any person neglect to pay the amount of assessments imposed upon him, as well as the amount of any of the debts mentioned in the sub-section immediately preceding, for a period of fifteen days, after he shall have been so requested as aforesaid, the secretary-treasurer shall levy the said assessments or debts with costs, by a warrant under the hand of the mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found, within the limits of the said city, addressed to one of the sworn bailiffs for the district of Three Rivers, of the superior court for the province of Quebec, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner ; and no claim founded on a right of ownership or privilege upon the same shall prevent sale or payment of the assessments and expenses out of the proceeds of such sale ; provided always, that it shall be lawful for any person who shall think himself aggrieved by the said seizure to file an opposition to the same at any time before the sale of the goods so seized, which he shall deliver to the officer seizing, who shall be bound to report his proceedings to the circuit court for the district of Three Rivers, where the said opposition shall be heard and determined according to law and the rules of practice, and the party failing shall be condemned to pay the costs.

15 days after demand, amount levied by warrant.

Opposition.

104. Every tax or assessment, imposed under this act, upon any property or house in the said city, may be recovered either from the proprietor, tenant, or occupant of such property or house ; and if such tenant or occupant be not bound by lease or other stipulation to pay such tax or assessment, such tenant or occupant may and shall be entitled to deduct the sum so paid by him out of the rent which he would have to pay for the use of such property.

Tax may be recovered from the proprietor or tenant.

Recourse.

SALE OF LANDED PROPERTY.

Sale of properties after a certain time.

105. In all cases, in which the assessments imposed on any vacant land or other immovable property, shall not have been paid for the space of three years, or on which there be shall be due three years of constituted rent on the lands conceded by the said council on the common of Three Rivers, and that it appears by the return of the bailiff entrusted under the provisions of the third sub-section of the hundred and third section of the present act, that he could not sufficiently levy by the seizure and sale of the movable effects of the proprietor or occupant of such land, that the said proprietor or occupant does not reside in the said city, or that the said bailiff could not proceed to the seizure of any movable effects belonging to or in the possession of the said proprietor or occupant, or that the proceeds of the sale of such movables and effects is not sufficient to cover the amount due for taxes on the said property and the costs incurred by the seizure and sale of the said movable effects, it shall be the duty of the said secretary-treasurer to proceed to the sale of the said vacant lot or other immovable in the manner and by observing the formalities following :

Duties of the sec.-treas.

List made of persons indebted for 3 years.

1. The said secretary-treasurer, before the eighth day of January in each year, shall prepare a list containing :

The names of all persons indebted, for three years of municipal taxes or school rates, or constituted rents (*heretofore cens et rentes*) imposed upon immovable property held or occupied, according to the valuation roll by such persons, adding all other charges against the said real property, which may be then due or payable to the said council ;

The description of all lands subject to the payment of the said arrears of municipal taxes, or school rates, constituted rents or other charges ;

The total amount of arrears of taxes for which such property is liable for municipal or school taxes or other charges ;

Public notice, added.

2. Such list shall be accompanied by a notice setting forth that such lands are to be sold at public auction, at the office of the secretary-treasurer of the said council, on the first Monday of March next, or on the day following, if such Monday be a legal holiday, at ten of the clock in the forenoon, in default of payment of the taxes, for which they are liable and the costs incurred ;

Time of the sale.

List and notice published in the *Official Gazette*, &c.

3. Such list and the notice which accompanies it, must be published in the French and English languages during one month, in the *Official Gazette* of the province, and in one or more newspapers published in the said city ; and the said list and notice annexed, shall be read by a bailiff on three Sundays in the month preceding the sale of any such land at the door of the Roman Catholic parish church, and at

Public reading.

that of the Anglican church of the said city, at the issue of morning divine service ;

4. At the time appointed for the sale, the secretary-treasurer of the said council himself, or some other person for him, shall sell to the highest and last bidder thereof, the lands described in the said list upon which taxes are still due, after making known the amount to be levied on any such land, including the costs incurred for the sale, in proportion to the amount of the debt ;

5. Whoever shall then offer to pay the highest price and shall be the last bidder, shall become purchaser of the land thus sold, and the said land shall be at once adjudged to him by the secretary-treasurer who shall sell such land ;

6. The purchaser of all land thus sold shall pay the amount of the purchase price immediately upon the adjudication thereof ;

7. In default of immediate payment, the secretary-treasurer shall either at once again put up the land for sale, or shall postpone the sale to another day, within eight days, by giving notice of such postponement to all persons present in an audible and intelligent voice ; provided always, that at any time before the putting up for re-sale of the said land the purchaser at the last sale, may prevent such re-sale by paying the price for which such land had been adjudged to him at the first sale, with the addition of the subsequent costs, if any there are ;

8. If at the time of the sale, no bid is made, or if all the lands advertised cannot be sold on such first Monday in March or following day, if such Monday be a legal holiday as aforesaid, the sale shall be postponed to any other day within eight days, in the manner prescribed in the preceding sub-section ;

9. Upon payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall set forth the particulars of the sale, in a certificate made in duplicate under his signature, and shall deliver a duplicate thereof to the purchaser ;

10. The purchaser shall thereafter become seized of the property in the land adjudged, and may enter into possession thereof, subject to redemption, which may be made within the two years next following.

106. The corporation of the said city may bid at the sale of such immovable thus put up for sale, and may become purchaser thereof, through the mayor or other person, authorized by the city council.

107. When the price for which such land or building lot has been sold or adjudged, shall exceed the amount due to the said council of the city of Three Rivers,

Proviso :

the secretary-treasurer of the said council shall pay over into the funds of the city, the surplus money which he may thus have in his hands, which shall bear interest at the rate of six per cent per annum, and shall be payable in capital and interest by the said council, after the expiration of the two years next after the sale of such land or lot, to any person having a right thereto, within one month after the regular notice to pay such sum shall have been given to the secretary-treasurer of the said city; provided always, that before dispossessing himself of any of the said surplus money, that he might thus have in his hands, it shall be the duty of the secretary-treasurer to require and receive from the registrar of the registration division of Three Rivers, a certificate of all the privileges and hypothecs whatever the said land thus sold shall be subject to ;

In case of opposition, &c., during 2 years; duty of the sec.-treas.

But if, within the space of the said two years, there is served upon the secretary-treasurer a *saisie-arrêt* or opposition to the payment of the moneys which he thus has in his hands, or if it appears by the certificate of the registrar of the registration division of Three Rivers, that there exists any privilege and hypothec on and against such land, then the said secretary-treasurer shall, at the expiration of the said two years, place in the hands of the prothonotary of the superior court for the district of Three Rivers, a certificate under his hand, and the seal of the said corporation, setting forth the amount of the moneys that he thus has in his hands, over and above the amount due to the said corporation, as well as all seizures, oppositions or other documents which may, during the course of the said two years, have been duly served upon him, and shall comply with the provisions of any judgment of distribution which may afterwards intervene before the said superior court.

Sec.-treas. gives notice of the sales, &c.

108. The secretary-treasurer shall, within the fifteen days next after the adjudication of such lands, by a notice to be signed by himself, and to be published twice, in French and English, in one or more newspapers published in the said city, notify the proprietors or occupants of the lands thus sold, of the sale that has taken place, together with the name and residence of the purchaser, as well as the purchase price.

Default of redemption during the two years.

109. If within the two years which follow the day of the adjudication, the land adjudged has not been repurchased or redeemed according to the provisions of the hundred and eighteenth section of this act, the purchaser shall become the irrevocable proprietor thereof.

110. Such purchaser, upon production of the certificate of adjudication, and upon proof of the payment of all municipal taxes and other charges, which have become due during the interval, upon the said land, shall be entitled, at the expiration of such delay of two years, to a deed of sale from the corporation of the said city, and such deed of sale shall be executed, in the name of the corporation, by the mayor and by the secretary-treasurer, in the presence of two witnesses, who shall sign the same, or by a deed *en minute* before a notary.

Right of the purchaser to a deed of sale, after two years.

111. The deed of sale shall be enregistered as soon as possible, on the demand of the mayor or the secretary-treasurer, and the costs of the said deed of sale and of the enregistration thereof shall be borne by the purchaser, and may be demanded before the deed is signed.

Deed of sale to be enregistered.

112. The sale made under the above provisions, shall be a title which conveys the ownership of the land adjudged; it shall vest in the purchaser all the rights of the original proprietor, and shall purge the land of all privileges and hypothecs whatever with which it may be charged, in the same manner and subject to the conditions and restrictions concerning *décret* mentioned in articles 708, 709, 710 and 711 of the code of civil procedure of the province of Quebec.

Effect of the sale.

113. If the adjudication or sale is declared null, on any demand brought to set aside the same, or in any other cause or contestation, or if the land is redeemed, the purchaser can only exact repayment of the purchase money paid by him, together with the expenses of necessary repairs and of improvements which have increased the value of the land up to such value, unless he prefer to remove the same, with interest upon the whole amount claimed at the rate of fifteen per cent per annum.

Sale declared null.

114. The action to annul a sale of land made under the preceding provisions of this act, or the right of calling in question the legality thereof, shall be prescribed by two years from the date of such adjudication.

Action to annul sale, prescribed.

2. This right may be exercised by the original proprietor of the land thus sold, or by any of his creditors, before any competent tribunal.

Persons having this right.

115. If any land described in the list of lands to be sold under the one hundred and fifth section of this act, is advertised to be sold by the sheriff, the secretary-treasurer of the said council cannot sell such land; but he shall without delay transmit to the sheriff, a statement of the amount

Duty of sec.-treas., if the land is sold by the sheriff.

due for taxes, and the cost of publication, on account of such land, which amount shall be paid out of the moneys arising from the sale made by the sheriff.

When proceedings of the sheriff are discontinued.

116. Nevertheless, if on the first Monday of March, or following day if such Monday be a holiday as aforesaid, the proceedings of the sheriff on the sale have been discontinued, the secretary-treasurer may sell the land in the usual manner.

When proceedings are suspended.

117. The said corporation in the interest of which the sale of any land by the secretary-treasurer of the said city ought to be made, may, in the case in which such land is advertised to be sold by the sheriff, and the proceedings on such sale shall have been suspended, intervene in the cause, and demand and obtain the adoption of any proceeding tending to the rendering of a final judgment therein.

REDEMPTION OF LANDS SOLD.

Redemption of land within the two years.

118. The owner of any land sold under the provisions of the one hundred and fifth and following sections of this act, may, within the two years next following the day of the adjudication, redeem the same, by paying to the secretary-treasurer of the said council the amount disbursed for the purchase price, with interest at the rate of fifteen per cent per annum, every fraction of a year being reckoned as a complete year.

Land may be redeemed by any person in the name of the proprietor.

119. Any person, whether authorized or not, may redeem or recover such land in the same manner, but only in the name of and for the person who was the proprietor thereof at the time of the adjudication.

If the person is not authorized.

2. When the redemption is made by a person not specially authorized, the secretary-treasurer in the receipt which he shall give in duplicate, shall set forth the name, quality and domicile of the person who effected the redemption.

Receipt to be given to him, &c.

3. Such receipt, after being registered in the registration division of Three Rivers, shall entitle the person mentioned therein to be reimbursed the amount paid by him, with interest at the rate of eight per cent, and shall secure to him a privileged hypothec, ranking next after municipal taxes, on the land in question for the reimbursement of such money, any provisions of articles 1994 and 2009 of the civil code to the contrary notwithstanding.

Duties of sec.-treas. in case of redemption.

120. The secretary-treasurer shall, within fifteen days after the redemption is effected, give special notice thereof to the purchaser, and, if in the interval there has been no *saisie-arrêt* or opposition for payment, he shall pay over

to the said purchaser, on demand, the sum paid into his hands, retaining two and a half per cent on the purchase price, for his fees.

121. The purchaser may compel the owner or the person who shall have redeemed the land in the name of the owner, to indemnify him for all useful repairs and improvements made by him on the land redeemed, unless he removes the same, and also, to reimburse him the amount of the taxes paid, or of the public or municipal works performed on account of such land, with interest on the whole, at the rate of fifteen per cent per annum, every fraction of a year being counted as a complete year ;

Reimbursement to the purchaser.

2. This claim bears a privilege in favor of the purchaser upon the land in question ;

3. The purchaser may retain possession of the land redeemed, until payment of such claim.

122. All the debts hereafter due to the said city council for all taxes or assessments imposed upon movable or immovable property in the said city under this act, for constituted rents (heretofore *cens et rentes* of the common,) and for water rates, shall be privileged debts, and shall be paid in preference to all other debts, and the said city council shall, in the cases of distribution of moneys, be collocated in preference to all other creditors ; provided always, that this privilege shall apply only to assessments, constituted rents and water-rates due for three years and no longer ; and provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Debts due to the council, privileged debts.

Proviso :

Proviso :

123. The said city council may charge an addition not exceeding ten per cent, on all yearly arrears of taxes or assessments, constituted rents, rents or market revenues, accruing from all sources, revenues of the waterworks, on all yearly arrears of interest due to the said council under any obligation, agreement or contract whatever, and may charge a rate of interest not exceeding ten per cent per annum on any sum of money disbursed by the said corporation, for the advantage of any person, in conformity with the provisions of law or any by-law of the council, or on any obligation, agreement, or contract whatever, and on the amount of any duty or license due to the said council, and on the amount of any judgment obtained by the said council before any court of justice.

Power to charge an increase on arrears due.

Interest of 10 per cent.

124. The said council shall have power to remit to poor persons in the said city, who may have been taxed under this act, the whole or part of their assessments, in certain

Power to remit to poor persons.

cases of fire, long illness, or any other cause that the said council shall deem reasonable and sufficient.

Property ex-
empt from
taxation.

125. The following property shall be exempt from taxation in the city of Three Rivers :

All lands and property belonging to Her Majesty, her heirs or successors, held by any public body, or by any person for the service of Her Majesty, her heirs or successors ;

All provincial property and buildings ;

Every place of public worship, and every burying ground ;

Every public school house and the ground on which the same is built ;

Every public educational establishment and the ground on which the same is built ;

All buildings, lands and property occupied or possessed by hospitals or other charitable institutions ;

Proviso :

Every court house or district gaol and the grounds attached thereto ; provided always, that this exemption shall not extend to lots or to buildings built upon lots leased or occupied by tenants under the government or the ordinance department in the said city ; and such lands belonging to the government or to the ordinance department, or to religious corporations occupied by tenants, shall be valued and assessed in like manner as other real property in the said city, and such rates or assessments shall be paid by the said tenants or occupiers thereof.

Taxes on
strangers.

126. In addition to the powers conferred upon the secretary-treasurer of the said city, by section one hundred and three of this act, the said secretary-treasurer shall levy with costs, in virtue of a warrant under the signature of the mayor and the provisions of the said section, all taxes imposed upon strangers, (that is to say, persons not domiciled in the city,) and on the refusal or neglect of such stranger to pay the said tax on the first demand, then, if the stranger has no movables in the said city, or that they cannot be found therein, the secretary-treasurer may, without other authority, cause the arrest of such stranger, and have him brought before the mayor or the pro-mayor, or any justice of the peace, and on conviction of having refused or neglected to pay said tax, he shall pay a fine of not less than one nor more than five dollars, and in default of immediate payment, he shall be condemned to an imprisonment which shall not exceed fifteen days in the common gaol, in the discretion of the mayor, pro-mayor, or justice of the peace ; provided always, that all movables found in the possession of such stranger, shall be deemed to be his property ; and provided always, that the provisions of the present section, shall apply to those who are liable to pay the capitation tax, as well as to strangers.

Arrest.

Proviso :

ACTIONS AND PENALTIES.

127. If any action or suit shall be brought against any person, for any matter or thing done in contravention or in execution of this act, such action or suit shall be brought within three calendar months next after the act committed, and not afterwards. Action to be brought within 3 months for any offence.

128. If any person shall violate any by-law made by the said city council, under this act, such person shall, for every such offence, incur the penalty specified in any of the said by-laws or orders, with the costs to be allowed by the justice or justices of the peace, who shall try such offences, and the said fine and costs shall be levied on the goods and chattels of the offender; such offender as aforesaid, shall be liable to be imprisoned in the common gaol of the district, for a term not exceeding two months, but which may be less in the discretion of the court; and no person shall be deemed an incompetent witness upon any information under this act, by reason of his being a resident of the city of Three Rivers; provided also, that for any such offence, no fine or penalty shall be imposed less than one nor more than twenty dollars, and that no imprisonment for any such offence, shall in any case be more than two calendar months, except in the cases provided for by this act. Fines and costs. Imprisonment. Witness. Proviso:

129. In all cases of persons convicted of drunkenness or of loose, idle, and disorderly conduct, or as vagrants, or of a breach of the peace in the said city, when they shall have been previously convicted of a similar offence, the court, may, in pronouncing the sentence, in its discretion sentence the offender, either to the fine and costs prescribed by the section of this act immediately preceding, or else to imprisonment in the common gaol of the district of Three Rivers, for a term not exceeding two calendar months, with costs of suit, in default of payment of costs an additional imprisonment of one month. Persons convicted of drunkenness, &c., repetition. Punishment.

130. All prosecutions for the contravention of any by-law, of the said city council or of any provision of this act, and for the recovery of any fine incurred by reason of any such contravention, may be brought and continued in the name of the corporation, and every officer or member of the corporation shall be competent as a witness therein; and any such fine or pecuniary penalty, shall belong to the corporation. Actions in the name of the corporation.

131. It shall not be necessary in any prosecution before a justice or justices of the peace, for any contravention of any by-law, or of this act, or of any provision of the acts re- Evidence in writing not necessary.

lating to the said corporation, that the evidence should be taken in writing ; unless the parties or one of the parties require that it be so taken.

Fines paid
over to sec.-
treas.

132. All fines and penalties, recovered under this act, shall be paid over into the hands of the secretary-treasurer of the said city council, and the proceeds of all licenses, granted under this act, shall form part of the funds of the said city, any law to the contrary notwithstanding.

Tribunal
before whom
penalties may
be recovered.

133. All the penalties imposed by this act or by any by-law made by the council may be recovered before the circuit court for the district of Three Rivers, or before any justice of the peace ; all penalties or fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such court.

Action.

Certain forms
not necessary.

134. In any action, prosecution or complaint brought by the said corporation, before any court, it shall not be necessary to designate or recite the act or by-law under which such action, prosecution or complaint is brought ; but it shall suffice to allege that it is in virtue of the act or by-law in such case made and provided.

Contrary pro-
visions, re-
pealed.

135. The provisions of any law, contrary to the provisions of this act shall be and are hereby repealed.

Coming into
force of the
act.

136. This act shall come into force on the day of the sanction thereof.

C A P . L X X V I I .

An Act to amend the Act 27th Victoria, Chapter 24, intituled : " An Act to erect the Village of Beauharnois as a Town."

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS "the mayor and council of the town of Beauharnois" have, by petition, represented that the act 27th Victoria, chapter 24, intituled : " An Act to erect the Village of Beauharnois as a town" ought to be amended ; and whereas it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Sec. 1 of 27 V.,
c. 24, amended.

1. Section first of said act of incorporation is amended by striking out the words " the mayor and council of the town

of Beauharnois," in the fourth and fifth lines thereof, and substituting therefor the following words: "the corporation of the town of Beauharnois."

2. Section two of said act is repealed, and the following Section 2, repealed. section is substituted therefor:

"The boundaries and limits of the said town of Beauharnois shall be as follows: Commencing at the lake St. Louis Town boundaries. on the line between the lots two and three, lake St. Louis range, Annstown, thence following the said line southeasterly until it reaches the continuation of the rear line of the land of the gaol and court house of the district of Beauharnois, thence westerly by a line in rear of the gaol and court house to the middle of the Beauce road, thence westerly on a line parallel with Hannah street in the said town, to the south-east side of river St. Louis, to a point being in a straight line at a distance of 4,386 feet from the middle of the said Beauce road, and also at a distance of 720 feet in a straight line from the middle of the St. Louis road, and thence crossing river St. Louis, by a line parallel to the public road leading to the Beauharnois canal, to the north-east line of the property of Louis Leduc, known as lot No. 2. of the first range of Marystown, and thence continuing this line towards the north-west along the east line of the said Leduc's property to the said lake St. Louis; and the said town shall Division into wards. be divided into three wards, to wit:

First. North Ward, which shall include St. Laurent street North Ward. along its whole length, and all the streets extending to the river St. Lawrence, commencing in St. Laurent street aforesaid, and all the lots fronting on the said last mentioned street, and also all the land included within the limits of the said town, from river St. Louis, to the western line of the said town.

Second. Centre Ward, which shall include Ellice street Centre Ward. along its whole length, all the small streets extending from St. Laurent street to Ellice street, and all the lots fronting on Ellice street.

Third. South Ward, which shall include Hannah street South Ward. along its whole length, the streets extending from Ellice street to Hannah street, all the streets extending to Domaine St. Louis, and all the lots fronting on Hannah street.

3. The preceding section shall come into force and take When the last section shall have effect. effect only thirty days after the electors, being proprietors of real estate in the town of Beauharnois, as now defined, and those of the territory which it is desired to annex to the said town by the present act, shall have decided to accept the same.

Right to vote
to decide the
annexation.

4. The proprietors of lands within the limits of the territory that is intended to be annexed by the present act, shall, for the purposes of deciding on such annexation, have the right of voting at such election as fully and in the same manner as if they were proprietors, within the limits of the said town.

It is understood that in this exceptional case, the proprietors in the city, and in the territory to be annexed, whether holding in their own names or in the names of their wives, shall alone have the right of voting, whether they reside, or do not reside within the limits of the town of Beauharnois, or in the territory proposed to be annexed by the present act; provided always, that they shall have been proprietors for at least six months.

Meeting of
electors for
that purpose.

5. For the purpose mentioned in the two preceding sections, the mayor of the said town of Beauharnois, shall, within a month from the sanctioning of the present act, call a meeting of all the electors, being proprietors, mentioned in the two preceding sections, by public notice, posted in the usual places within the limits of the said town, and in another public place within the limits of the territory proposed to be annexed, at least eight clear days before the day fixed for such meeting, so that they may approve or disapprove thereof; and if there be opposition shown to the adoption of the said section at the time of such meeting, the said mayor or the president of the meeting shall grant a poll, fixing the day for holding the same, and the votes of the proprietors of real estate, shall be then enregistered in the manner used at the election for mayor or municipal officers of the said town. The said poll shall be thus held on one day only, at the usual place, from nine o'clock, in the forenoon, to four o'clock, in the afternoon. The said mayor shall cause the secretary-treasurer of the said town, to enregister, in a book prepared for that purpose, the names of the electors who shall vote for the said section, and of those who shall vote against it, and if during one hour no vote is polled, he shall terminate his proceedings by counting the votes and certifying the whole under his signature, after which he shall deposit the said book with a certificate showing the result in the hands of the said secretary-treasurer of the said town, who shall preserve the same in the archives of the said town, and the said secretary-treasurer shall be obliged to give copies thereof, on payment to him made of ten cents for each hundred words thereof; and if the majority of the said electors called upon to vote, have approved of the said section, the mayor shall publish the same at the parochial church door during the two consecutive Sundays that follow the said day of meeting, and he shall cause his cer-

Votation
in case of
opposition, &c.

Holding of the
poll.

Duties of the
mayor if the
majority ap-
proves of.

tificate, showing the said result to be posted up at the door of the said church before divine service on each of the said Sundays.

6. Section four of said act is repealed, and the following is substituted therefor :

Section 4 of said act, repealed.
Qualification of the mayor.

1. No person shall be capable of being elected mayor of the town of Beauharnois, unless he is able to read and sign his name, and unless he shall have been a resident and *tenant feu et lieu* in the said town, for one year preceding such election, nor unless he be possessed as proprietor in his own name, or in the name of his wife, of real estate, for at least one year also preceding such election, within the limits of the said town, of the value of four hundred dollars, after deduction of his just debts.

2. No person shall be qualified to be elected councillor of the town of Beauharnois, unless he be able to write his name, and he shall have been a resident and *tenant feu et lieu* in the said town, for one year also preceding such election, and unless he be possessed as proprietor in his own name, or in the name of his wife, for at least one year, also preceding such election, of real estate of the value of two hundred dollars, after deduction of his just debts, in the ward of the said town for which he desires to be elected councillor; but no person shall be eligible as mayor or councillor of the said town of Beauharnois, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years.

Of councillors.

3. The following persons shall not be eligible as mayor or councillors of the said town, nor shall exercise any such office, to wit : minors, persons being in the holy orders, and ministers of any religious creed, members of the executive council and legislative council, judges, sheriffs and clerks, officers on full pay in Her Majesty's army and navy, inn-keepers, hotel-keepers or keepers of houses of public entertainment, being or having been such during the last twelve months, persons accountable for the revenues of the said town, or other persons receiving any pecuniary allowance from the town for their services, contractors or builders of the said corporation, nor persons having become sureties for such contractors or builders, nor any member of any unincorporated firm or company, to whom the said corporation shall have given a contract or undertaking whatsoever; provided that no person shall be ineligible to those offices, nor shall be rendered incapable of exercising the same from the fact of his being a shareholder in any incorporated company which may have with the said town, contracts rendering a person incapable of holding such office.

Persons not eligible.

Provide :

Persons not
obliged to ac-
cept charges,
&c.

7. The following persons shall not be obliged to accept the office of mayor or councillor of the said town, to wit : members of the senate, of the commons, of the executive council, and of the provincial legislature ; practising physicians, surgeons or apothecaries ; school-masters actually engaged in teaching, persons over sixty years, and the members of the council of the said town who shall have fulfilled, during the year or during the two years next preceding, any of the offices of mayor or councillor of the said town, or who shall have paid the penalty incurred for having refused to accept such office.

Section 5 of
said act, re-
pealed.
Persons enti-
tled to vote.

8. Section five of said act is repealed, and the following is substituted therefor :

1. The following persons shall be entitled to vote at the municipal elections of the said town : the male inhabitants of the age of twenty-one years, actually and *bond fide* possessors, as proprietors in their own names or in those of their wives, of real estate within the said town, of the real value of fifty dollars, or of which the annual revenue is four dollars, which shall appear on the valuation roll, on the making or revision of the same, or as tenants of real estate for the use of which they pay a rent of not less than eighteen dollars per annum ; which qualification shall be ascertained by the valuation roll in force at the time of the posting up of the notices of such election ;

Previous pay-
ment of taxes,
required.

2. No person qualified to vote at any municipal election in the said town, shall have the right of having his vote registered, unless he shall have, before the first of January in each year, paid his municipal taxes or all other municipal taxes or duties then due, and it shall be lawful for any candidate at such election, and for the president of such election, to require the production of the receipts establishing that such taxes then due have been paid ;

Residence of
tenants.

3. No tenant qualified as municipal elector shall use his right to vote at any such election, unless he shall have been a resident and paid rent in the said town for at least the six months next preceding the day of voting for such election.

Case of per-
sonal interest
of a member.

9. No member of the council shall be entitled to vote on any question in which he is personally interested, and the council, in case of a discussion, shall decide whether such member is personally interested or not therein, and such member shall not be entitled to vote on the question whether he be interested.

Power to expel
disorderly
persons.

10. The said council shall have the power to cause to be expelled from the council room, until the adjournment, any person who shall persist in breaking the peace, after the mayor or presiding officer shall have called him to order, and

any motion to that effect shall always be held to be in order, and shall be decided without any debate ; the said council may also punish, by a fine not exceeding twenty dollars, Penalty. any councillor breaking the peace as aforesaid.

11. Section twenty-two of said act is amended by striking out in the third and eighth lines thereof the word "assessment," and by substituting the word "valuation," and by adding after the word "just" in the twenty-third line thereof, the following words : "and the said council may then amend, any such valuation of rateable property which they shall deem to have been made over or under its real or annual value, or by correcting the names of persons entered thereon, or the designation of properties mentioned therein, or by adding whatever the assessors might have omitted to enter." Section 22 of said act, amended. Amendments made to the valu. roll.

12. Section twenty-seven of said act is amended by adding after the words "office of" in the first line thereof, the words : "mayor or." Section 27. amended.

13. The said town council may appoint committees, composed of as many of their members as shall be thought fit, and they may delegate their powers to the same, for examining any question, for managing any business or affairs, or for the execution of certain works. Appointment of committees.

2. Such committees shall report their labours and decisions, verbally or by reports signed by their chairman, or by a majority of their members ; and no report or order whatever of any committee shall have effect, unless it be adopted by the council at a regular session, except in the case provided for by the fifteenth section of this act. Their reports.

14. Every one who shall be entitled to be heard before the council or its committees, may be so heard in person, or by an attorney, or by any other person acting on his behalf, whether authorized by an authentic power of attorney, or by private signature ; he may also produce and examine witnesses. Right to be heard in person or by attorney, &c.

15. The said town council on every question or matter pending before them, shall have the power : Powers of the council.

1. To take communication of all documents or writings filed as evidence ;

2. To summon any person residing within the said town ;

3. To examine under oath all parties, and witnesses brought by the parties, and administer or cause to be administered to them an oath or affirmation by one of their members.

Witnesses failing to appear.

Penalty.

Section 19 of said act, repealed.

Appointment of assessors.

Their duties.

Voters' list prepared by sec.-treasurer.

Negligence of the sec.-treas.

Notice of the deposit of such list, by sec.-treas.

16. If any one so summoned before the said town council, fails without just cause to appear at the time and place mentioned in the summons, when compensation shall have been paid or offered to him for his reasonable travelling expenses for going and returning, and fifty cents a day for his time, he shall incur a penalty of not less than ten, nor more than twenty dollars, or an imprisonment not exceeding fifteen days; such penalty may be recovered by suit of the corporation of the said town, before the mayor of said town or any justice of the peace residing therein.

17. Section nineteen of said act is repealed.

18. The said town council shall appoint every year, at its general session in the month of May, or at a previous session, three assessors, who shall be bound to make oath before acting, and it shall be their duty to make, between the fifteenth day of May, and the fifteenth day of July, in each year, and in the manner prescribed by the council, the valuation of the rateable properties in the town, and that, distinctly as to each category, according to the real value thereof, and it shall be their duty to enter on the said roll, the names of the tenants and the amount by them paid for rent. They shall further inscribe in the said roll, all other informations required by the council.

19. Within thirty days next following that upon which the general valuation roll of the said town shall have finally taken force and effect, the secretary-treasurer shall be bound under a penalty not exceeding fifty dollars, to make out and prepare, for the said town, an alphabetical list of the names of persons, who, according to the said roll, shall appear to be duly qualified as municipal voters, in the said town as owners or tenants; and the said secretary-treasurer shall certify the correctness of such list under oath taken before the mayor of the said town, or, in his absence, before any other justice of the peace, and he shall deposit such list in the office of the town council on the day following.

2. In all the cases when for any reason whatever, the electoral list above mentioned shall not have been made out and prepared in the manner and delay above prescribed, the town council may order the secretary-treasurer to make out any such list within a further delay, to be fixed by the said council.

20. Within two juridical days next following that of the deposit of the said alphabetical list in the office of the town council, the secretary-treasurer shall give public notice of such deposit, in the manner prescribed for the publication

of the by-laws of the said town ; such notice shall moreover mention that the said list shall remain posted up in the said office, for the information and examination of the interested parties during fifteen days next following that upon which the said list shall have been deposited as aforesaid.

21. During the said fifteen days, every person who shall desire to have his name added on such voters' list, or every elector who shall desire to have a name erased from such list, shall prefer his request in writing and under his signature, or *visâ voce* before the council, stating the ward or wards to which he belongs, or to which belongs the person whose name he shall desire to be erased as aforesaid, and shall cause such request to be delivered to the secretary-treasurer on or before the last day of the delay hereinabove granted to prefer such request, and in case such last day be a non-juridical day, the said request shall be made in the aforesaid manner no later than the next following juridical day. Complaints and claims, &c.

22. At seven o'clock in the evening of the last day the voters' list is to remain posted up in the office of the town council, a board of revisors of the said list which shall be composed of three councillors to be specially appointed by the council for that purpose, at its general session in the month of June, and if such general session has not been held, at a special session to be held within fifteen days from the time of the said general session, shall proceed to the revision and amendment, if required, of the said voters' list ; Revision of the list by a board of revisors.

2. The three members of the board of revisors shall, in all cases, act together ;

3. Such councillor as the other members of the board shall choose at the meeting, shall preside thereat ;

4. The said revisors shall act as such, under their oath of office as councillors.

23. The said revisors shall hear the persons who shall have made any claims and shall decide thereon ; if the said list be not then examined, they shall have the power to adjourn from day to day until the said list shall be finally revised and settled ; Duties of the revisors.

2. The person presiding at the said board, shall have power to examine, upon oath, persons respecting the said claims and all matters connected with the revision of the said list, and to administer such oath to that effect ; Power of the president.

3. The said board, after having heard the best evidence of which the cases will admit, shall be bound and they are hereby required to decide upon the said voters' list, and to make to the said list the necessary additions or erasures respecting the claims to them submitted ; they shall have Duties and powers of the board.

also the power to correct all errors, or to add anything accidentally omitted on the said list ; and the said list so revised and settled, shall be signed by the officer presiding the said board, countersigned by the secretary of the said town, who shall act as secretary of the said board, and sealed with the town seal, and the same shall be the only correct voters' list ; provided always, that the name of no person shall be erased from the said list, without such person being notified of the claim for that purpose, and of his having had occasion to be heard respecting such claim ; and provided also, that the said revisors shall hear no claim unless the same be made as above mentioned ;

• **Proviso :**

Time the list shall remain in force.

If list is not made out.

4. The said list shall remain in force till the time when the new list of the municipal voters for the following year, shall finally come into force ;

5. In case such list be not made out or in case there is no list at the time of any municipal election of the said town, such election shall not be prevented on that account, and the qualification of the electors shall be ascertained in such case, by the oath of the voter and the valuation roll then in force in the said town.

Power and duty of the president of the election.

24. The president of the election for the said town, and in his absence, his poll clerk, whom he is by this act authorized to appoint on the day next preceding such election or before such day, shall have respectively the authority, and they are hereby required, when requested by any person duly qualified to vote at the election of the mayor, and at the election of the councillors in the said town, to administer the following oath to any person tendering his vote at any such election, to wit :

Oath of voters.

" You swear that you are a subject of Her Majesty, that you are entitled to take part and to vote at this election, that all municipal assessments, taxes and other dues imposed upon your property or properties (or on the property or properties held by you as tenant,) due and payable previous to the first of January instant, have been paid, (if the oath is taken by a tenant,) that you reside and pay rent in the town of Beauharnois since at least six months before this day," (if there be a list of the municipal voters,) " that it is your name which is entered on the list of the voters of this town, and that you have not before voted at this election of the mayor or councillors of the said town : So help you God."

Right of vote.

25. No person shall have the right to have his vote registered in the poll book kept for the election of the mayor or of the councillors, unless the name of such person shall be inscribed on the said list of voters, except in the case of sub-section 5 of section 23 without prejudice

nevertheless, to the provisions contained in section eight of this act, as to the payment of the assessments and to the period of time of the residence of the tenants within the limits of the said town.

26. It shall be lawful for the secretary-treasurer of the said town, from time to time, to appoint under his hand, an Asst. sec.-treas. ; its powers and duties. "assistant-secretary-treasurer," who may perform all the duties of the office of secretary-treasurer, with the same rights, powers and privileges, and under the same obligations and penalties as the secretary-treasurer himself, except as regards giving security, which the latter is bound to give, and such security the said secretary-treasurer shall not be obliged to renew yearly, but shall remain in force as long as the sureties shall not have been legally discharged ;

2. In the case of a vacancy in the office of the secretary-treasurer, the assistant secretary-treasurer shall continue to perform the duties of the office until the vacancy is filled ; Vacancy in office of sec.-treas.

3. The assistant secretary-treasurer shall enter in office immediately after having been appointed ; he may be removed or replaced at will by the secretary-treasurer ; Entry in office of the asst. sec.-treasurer.

4. In the performance of his duties he shall act under the responsibility of the secretary-treasurer who shall have appointed him, and under that of the sureties of such officer. Such assistant secretary shall be paid by the secretary-treasurer out of his own funds. His responsibility. Salary.

27. Whosoever shall have no domicile or place of business within the limits of the town, shall be incapable of exercising, or continuing to exercise any municipal office of the said town. Qualifications necessary to a municipal officer.

28. Upon a demand in writing by a councillor, it shall be lawful for the said council, at one of their regular sessions to exempt him from the duties of such office, and to replace him and he shall replace him at the same session without delay, by appointing a fit person residing in the said town. Resignation of a councillor.

29. If the disqualification of a person appointed to a municipal office or holding the same, is notorious or sufficiently established, the council may, by resolution, declare the office of such person vacant, saving any recourse on the part of the person appointed. Notorious incapacity.

30. Section forty of said act is repealed.

Section 40, repealed.

31. The by-laws of the town council of Beauharnois shall contain no provision inconsistent with those of said act or of this act. By-laws.

Coming into
force of the
by-laws.

32. The by-laws of the said town shall come into force and shall take effect as law, if not otherwise prescribed in the provisions contained in such by-laws, fifteen days after their promulgation, except always in the case of appeal to the proper authority, as hereinafter provided, against the passing of any by-law by the council of the said town, and in any other case otherwise provided for by the provisions of the said act or of this act.

Promulgation
of by-laws.

33. The by-laws of the said town which, in consequence of provisions of their own, or of the said act, or of this act, shall only come into force at some stated period, shall be promulgated at least fifteen days before such period.

Idem.

34. Every by-law passed by the said town-council, and amended or confirmed in appeal by the proper authority, shall come into force fifteen days after its promulgation or publication under section fortieth of this act.

Signature of
the original of
by-laws.

35. The original of every municipal by-law, to be authentic, shall be signed by the mayor, or by the councillor presiding the session of the council at which such by-law was passed, as the case may be, and countersigned by the secretary-treasurer or by his assistant secretary-treasurer.

Certificate an-
nexed thereto.

2. If it has been necessary to submit the by-law for the approval of the municipal electors, before it shall come into force, and it has received such approval, a certificate under the signature of the mayor, or of the secretary-treasurer, certifying to each of these facts, shall accompany and form part of the original of such by-law.

Duration of
by-laws.

36. The by-laws of said town shall be executory and shall remain in force until they shall be amended, repealed or annulled by the town council, or by the competent authority hereinafter designated, or until the expiration of the time for which they shall have been made.

Amendments
to by-laws.

37. The by-laws of the said town which shall have been submitted to the approval of the municipal electors of the said town before they came into force and effect, shall only be amended or repealed by another by-law approved of in the same manner.

Idem.

38. The amendment or repeal by the said town council, of any by-law, shall be made only by a by-law of said town for that purpose, and before proposing any such by-law, a notice of motion shall be given at a previous meet-

Notice of mo-
tion, required.

ing.

By-laws, con-
sidered pro-
mulgated.

39. The by-laws of said town shall be considered to be promulgated from the time they have been made public by public notice given in the manner provided by this act.

40. The by-laws of the said town shall be published Publication of by-laws. within fifteen days after the passing thereof, or after their final approbation, in case they shall have been submitted for approval to the municipal electors of the said town, by a public notice mentioning the object of the by-law, the date Notice. of the passing thereof, and the place where the interested parties may have communication thereof;

2. Such notice shall be given in French and in English How and when published. under the signature of the secretary-treasurer, and posted upon or near one of the doors of the town hall of the said town, and in case the said town hall shall be destroyed by any cause or reason whatever, at the place which the said council shall fix, by a resolution, to be the place where shall be posted public notices which ought to have been posted at the hall so destroyed, during the interval to take place until the re-building of said hall ;

3. If the by-law is approved of by the municipal electors Special mention. of said town, the notice of publication shall also mention that such formality has been observed, and the dates upon which it was complied with.

41. The original of every by-law of the council of the By-laws book. said town shall be registered at full length, in French, in a special book intituled : "Book of by-laws of the town council, of the town of Beauharnois," and this entry shall be signed by the mayor, and countersigned by the secretary-treasurer of the said town ;

2. The secretary-treasurer shall be bound, moreover, to Entry of the notice, &c. enter in the said book, immediately after said by-law, a French or English copy, duly certified by him, of the notice of publication of each by-law inscribed in the said book, and a copy likewise certified of the certificate of publication accompanying such notice.

42. Any municipal elector in his own name, may, by a Annulment of by-laws by S. Court. petition presented to the superior court of Lower Canada, sitting in and for the district of Beauharnois, demand and obtain, on the ground of illegality, the annulment of any by-law of the said town or of any part thereof.

43. The petition shall be served within fifteen days Petition ; delay for the service thereof. from the date of the coming into force of said by-law, and shall set forth in a clear and precise manner, the reasons alleged in support of the demand, and shall be accompa- Its allegation. nied with a certified copy of the by-law impugned, and a copy of the public notice, if such copies could be obtained ;

2. If such copies could not be obtained, the court, upon application being made, shall order the secretary-treasurer of the said town, or any person in whose custody such documents may be, to produce the same.

Service.

44. Such petition shall be served at the office of the said town council, eight days at least before it shall be presented to the court.

Security of the petitioner.

45. The petitioner shall previously give security for costs before a judge of the superior court, or the prothonotary of said court, or his deputy.

Presentation of the petition.

46. Such petition shall be presented in open court, together with the returns and the preliminary services.

Proof and hearing.

47. If the court, after having heard the parties, is of opinion that the facts and grounds set forth in the petition are sufficient in law to have the by-law declared null in whole or in part, it shall order proof to be adduced, and the parties interested to be heard, on the nearest day it shall deem the most convenient.

Proceedings to be summary.

48. The court shall proceed in a summary manner and without appeal to the hearing of parties and to judgment upon the merits of said petition.

Costs.

49. The court may condemn either of the parties to pay the costs of the contestation, such costs to be taxed and recovered in the same manner and by the same means as are the costs of the last class in the superior court; the court may also order that its judgment be served upon the secretary-treasurer of the town council, at the expense of the party condemned to pay the costs as aforesaid.

Judgment and its publication.

50. The court may, by its judgment, confirm or annul such by-law in whole or in part, and such judgment shall be published by the secretary-treasurer in the manner prescribed for the ordinary promulgation of the by-laws of the said town, within the fifteen days next following the service which must be made upon him of a copy of the said judgment.

By-laws, how passed.

51. The by-laws, resolutions and ordinances of the town council, shall be passed by the said council in session.

Sub-sec. 19 of sec. 31, repealed.
Public pounds, &c.

52. Sub-section nineteen of section thirty-one of said act is repealed, and the following is substituted therefor :

"19. For the establishing and management of as many public pounds as the said council may deem advisable, for the safe-keeping of animals found astray in the streets, public places, on the beach, or on any lands other than the owner's within the said town, and for appointing persons as keepers of said pounds, determining their fees, regulating and establishing their duties, and for imposing such

Guardians.

fines not exceeding five dollars, on any animal found astray Sale of ani-
 as aforesaid; for regulating and providing for the sale of mals.
 unclaimed animals within the delays fixed by such by-laws,
 for determining the formalities to be adopted for such sales,
 for imposing, besides and irrespectively of fines incurred, Penalty.
 such duty or indemnity deemed proper by said council, for
 the cost of keeping such animals, whether claimed or un-
 claimed; provided always, that such fines may be recover- Proviso :
 ed from the owners of such animals, if such owners are
 known, without it being necessary to cause such animals
 to be arrested and conveyed to the said pounds; and it
 shall be the duty of the pound-keepers so appointed, to
 give and deliver up such animals to their owners, on pay- Deliverance of
 ment of the fine imposed, his fees, and cost of safe-keeping." animals.

53. Sub-section thirty of section thirty-one of said act is Sub.-sec. 30
 amended by adding after the word "railway," in the of sec. 31,
 fourth line thereof, the words "or macadamized roads,
 and in all companies," and by striking out all the words
 after the word "town" in the eighth line, to the end of
 said sub-section. amended.

54. Section thirty-first is amended by adding the follow- Section 31,
 ing sub-sections : amended.

"34. For regulating the building of hog-sties and privies ; Hog-sties,
 for regulating the places where such hog-sties, privies privies, &c.
 and stables shall be built; for obliging all persons to clean
 their stables, hog-sties, out-houses, privies and yards, at
 such times and in such manner as the council shall deem
 expedient; for preventing deposits being made of substances Unhealthy de-
 or matters exhaling gas or infect odours in the said town, posits.
 or for regulating the manner in which such deposits shall
 be made;"

"35. For preventing owners of dogs from allowing them Dogs.
 to go free through the streets, or for determining under
 what conditions they may be so allowed, and for authoriz-
 ing the killing of all dogs found in contravention with the
 by-laws of said council;"

"36. For preventing persons from bathing and cleansing Baths in open
 themselves in open air and at the sight of the public ;" air.

"37. For prohibiting or allowing and regulating the plant- Plantation of
 ing of trees along the streets of the said town, and for im- trees.
 posing upon any person destroying any tree so planted, or
 planting trees in contravention with the said by-laws, a pe- Penalty.
 nalty not exceeding twenty dollars, or an imprisonment not
 exceeding one month, above and over the damages result-
 ing therefrom."

55. The said council may, at any time, by mutual con- Exemption of
 sent, agree with any person or company having establish- taxes, &c., for
 ment, the manufac-
 tories.

ed, or intending to establish, any industrial or manufacturing establishment, for the payment of a certain annual sum, during a period not exceeding twenty years, as a commutation for any assessment on all the properties occupied for the use of such industrial or manufacturing establishment, as well as on the said industry or manufacture, and may also, with a view of encouraging such industrial or, manufacturing establishment, dispense the same or such property from paying any assessments during a period not exceeding twenty years, and moreover, may offer to such person or company, as prime of encouragement, any sum that may be deemed necessary by the said council; provided that such by-law be submitted for the approval of the electors being proprietors in the said town, conformably to the rules prescribed in section 57 of the present act.

Proviso :

Power to contract loans.

Bonds.

Coupons.

Security of payment.
Proviso :

56. It shall be lawful for the said town council to contract loans, by issuing bonds or debentures signed by the mayor, countersigned by the secretary, and sealed with the seal of the town council; such loans made payable to the bearer thereof at such periods as the said council may think proper to fix, and such bonds or debentures shall bear interest, payable semi-annually on the first days of July and January in each year, and at a rate not exceeding the legal rate of interest in this province; and coupons for the amount of the semi-annual interest thereon may be annexed to all such bonds or debentures, which coupons, being signed by the mayor, and countersigned by the secretary-treasurer, shall be payable respectively to the holder thereof when and immediately after the semi-annual interest therein mentioned shall become due, and upon payment of the same, shall be delivered to the said secretary-treasurer; and the possession of any such coupon shall be *prima facie* evidence that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or bond; and all such debentures and bonds, together with the principal and interest thereon, shall be secured upon the general funds of the said town, provided that the by-laws authorizing such loans be also submitted for the approval of the electors being proprietors in the said town, in conformity with the rules prescribed in section 57 of this act.

By-laws to this effect.

General meeting of the proprietors.

57. No by-law passed in virtue of the two preceding sections shall have any force or effect until it shall have been approved by the majority in number and by the value of the assessed real property of the electors being proprietors in the said town, within the thirty days after the passing of such by-law. This approbation shall be expressed in a public meeting presided over by the mayor, or, in his absence, by the senior councillor

of the said town, the secretary-treasurer acting as secretary, and duly called by notices signed by the mayor or by the secretary-treasurer, published and posted up in the manner prescribed for the publication and posting up of the public notice required by the provisions of this act, for the publication of by-laws; provided always, that six qualified ^{Poll.} municipal electors present at the said meeting, may demand a poll to establish such majority; and a poll shall be granted by the mayor, or, in his absence, by the presiding councillor, on being so demanded, and shall be held within four days next after such meeting, the secretary-treasurer acting as poll clerk under the direction of the mayor or of the presiding councillor, as the case may be, each elector shall then present himself in turn and shall give his vote by "yea" or "nay"; the word "nay" signifying that he ^{Mode of voting.} disapproves of the by-law authorizing the loan; but no person's vote shall be received unless the name of such person be inscribed on the municipal voters' list then in force, if such list exist, and if there be no such list, no person shall be entitled to vote unless it appears, by the valuation roll then in force in the said town, that he is duly qualified to vote as municipal elector, and unless he has paid all his municipal taxes, at least three clear days before the day of such voting; provided always, that ^{Duration of the poll.} such poll shall be held during one day, being a juridical day, from ten o'clock in the morning until four o'clock in the afternoon. At the close of the poll, the mayor, or the presiding councillor, as the case may be, shall count the ^{Summing up of the votes.} "yeas" and the "nays," and within four days thereafter, he shall lay before the town council, a statement showing ^{Statement of the property.} the value of the real property of each of the voters, according to the valuation roll then in force, and shall certify, for the information of the town council, whether the majority in number and value of assessed real property of the electors of the town approve or disapprove of the said loan. ^{Certificate.} This certificate shall be countersigned by the secretary-treasurer of the town, and preserved by him with the poll list and the aforesaid statement among the archives of his office, and if the said by-law is approved of as aforesaid, the said town council may contract the loan.

58. Every tax or assessment imposed under the said act of incorporation, or under this act, upon any property or house in the town, shall be recovered either from the proprietor, tenant or occupant of such property or house. ^{Recovery of taxes from occupant.}

59. Section thirty-five of said act is repealed. ^{Section 35, repealed.}

60. Any vacant lot or other real property in the said town, ^{Sale of properties for taxes arrears.} the owner of which shall not reside within the said town or

Proceedings to
to that effect.

shall be unknown, and upon which municipal taxes shall be due, shall be sold for the payment of the same in the manner and according to the provisions contained in the municipal code of the province of Quebec, for the sale of lands affected by municipal taxes; and for coming to the sale of such real property or vacant lot, as aforesaid, it shall be the duty of the secretary-treasurer of the town, to fulfill all the duties imposed upon the secretary-treasurer of any county council with regard to the sale of such lands, by the said municipal code; but the public notice announcing such sale shall also announce that the same shall take place where the said town council holds its sessions, in the said town.

Sub-sec. 2, sec.
54, repealed.

61. Sub-section two of section fifty-four is repealed, and the following is substituted therefor:

Evaluators
neglecting
their duties.

"2. Any valuator who shall refuse or neglect to discharge the duties of his office, within the delays and in the manner prescribed by the said council, shall incur a penalty of twenty dollars, and it shall be lawful for the said council, irrespectively of said penalty, to appoint one or more persons in the room of such valuator or valutors refusing or neglecting to discharge such duties as aforesaid, with the same rights, privileges and obligations as if they had been first appointed by said council."

Penalty.

St. Louis
bridge.

62. All *procès-verbaux*, by-laws, deeds of agreement, ordinances and municipal council resolutions respecting the building and re-building of St. Louis bridge, near the old seigniorial manor, within the limits of the said town, shall retain their full force and effect.

Payment of
penalties.

63. All penalties imposed by this act or by any by-law made by the said council under this act, shall be recovered in the manner prescribed by the fifty-fifth section of the said act of incorporation.

Provisions in-
consistent.

64. All provisions contained in the said act of incorporation, inconsistent with any provision of this act are repealed.

Coming into
force of this
act.

65. This act shall come into force on the day of the sanction thereof.

C A P . L X X V I I I .

An Act to amend the Act 36 Vict., Chap. 53, intituled:
"An Act to incorporate the Corporation of the Town
of Lachine."

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS it is expedient to amend the act incorpor-
ating the corporation of the town of Lachine, 86

Victoria, chapter 53; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section two of said act is amended by substituting to Sec. 2, 36 V., c. 53, amended. the words "Edward Wilgress," in the tenth and eleventh lines thereof, the words "Patrick McGee, that is to say, up to the eastern line of the land of said James Park."

2. The town of Lachine shall be divided into three Division of the town. wards, which shall be respectively designated and known under the names of "East Ward," "Centre Ward," and "West Ward," and be bounded as follows, to wit :

1. The "East Ward" shall be bounded in front by the East Ward. river St. Lawrence, to the east side by the eastern limits of said town, in depth by the Grand Trunk railway, to the west side by a line following the division line between the land of the heirs Louis Boyer, and that of William M. Molson, until it reaches the land of Robert Smith; thence the said line shall follow the division line between the land of the said Robert Smith, and that of said William M. Molson, to the land of the Montreal and Champlain railway company, crossing the same opposite the head of the street heretofore designated and known under the name of "Morthimer street," which shall henceforth be called "Town Hall street," and the said line shall continue through the middle of said Town Hall street, and beyond, in a straight line to the river St. Lawrence;

2. The "Centre Ward" shall be bounded in front Centre Ward. by the river St. Lawrence, to the east side by the "East Ward," in depth by the Grand Trunk railway, and on the west side by a line following the division line between the land of James P. Dawes, junior, and Andrew J. Dawes, and that of Thomas Ames Dawes, crossing the land of the Montreal and Champlain railway company, and continuing through the middle of St. Charles street, to the south side of Main street or Queen's highway, and thence along the eastern line of the land of Claude Legault dit Deslauriers, and further on, in a straight line, to the river St. Lawrence;

3. The "West Ward" shall be bounded in front by the West Ward. river St. Lawrence, to the east by the "Centre Ward," in depth by the Grand Trunk railway, and on the west side by the western limits of the said town of Lachine.

3. The said town council shall have full power and Power to change the boundaries of the wards. authority to make in the usual manner by-laws to cause the limits of the several wards to be changed and altered, if they deem it necessary for the better Enlargement of the city. management of affairs; provided always, that it shall

Effect of the
annexion.

and may be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the said town of Lachine, by means of a notice given by the said proprietor to the municipal authorities of the said town, and with the consent of the said authorities signified by a by-law to be made by them to that effect, in the usual manner, to demand and obtain that the said land shall be included within the limits of the said town, and so on successively for other proprietors having property so adjacent to properties thus successively included as aforesaid, and upon such inclusion having been ordered by by-law as hereinbefore provided, the said proprietors, whose properties shall be included, shall have and possess all the municipal privileges, and be subject to all the by-laws, obligations, duties and charges imposed upon persons and properties originally included within the limits of the said town.

Section 3,
amended.

4. Section three of said act is amended by adding after the word "persons" in the fourth line thereof, the words "two for each ward."

Appointment
of councillors
for each ward.

5. It shall be the duty of the town council of Lachine, within two months next following the coming into force of this act, to declare and appoint, by a resolution to that effect, in the ordinary manner, such of the councillors of said town for the time being, as shall represent each of the three wards of said town respectively, each ward having two councillors; and from the day on which such resolution shall have thus been carried by said council, each ward of said town shall be held to be represented in the town council of Lachine, according to the intent and meaning of this act for all legal purposes; provided always, that when they shall have passed and carried such resolution, the town council of Lachine shall have appointed one of the three councillors of said town, elected at the next preceding elections, to represent each of the three wards of said town.

Proviso :

Section 5, re-
pealed.

6. Section five of said act is hereby repealed, and the following is substituted therefor :

Persons enti-
tled to vote.

"5. The following persons shall be entitled to vote at the municipal elections of the said town of Lachine : the male inhabitants of the age of twenty-one years, and actually and *bonâ fide* possessors, as proprietors, of real estate in the said town, of the real value of two hundred dollars, or as tenants of real estate for the use of which they pay a rent of not less than twenty dollars per annum; which qualification shall be ascertained by the valuation roll in force at the time of the posting of the notices of such election ;

Payment of
taxes required.

2. No person qualified to vote at any municipal election in the said town, shall have the right of having his vote

registered, unless he shall have at least, ten days before such votation, paid his municipal or school taxes, or all other municipal or school taxes or duties then due ;

3. No tenant qualified as municipal voter shall use his right to vote at any such election, unless he shall have been a resident and paid rent in the said town for at least six months next preceding the day of voting for such election ;

Residence of tenant.

4. And it shall be lawful for any candidate at any such election of mayor or of councillor of the said town, and for any person representing any candidate at any election in the said town, to require from the municipal voters, the productions of the receipts or certificates of the secretary-treasurer, establishing the payment of such taxes and other duties due as aforesaid, or in default of receipt or certificate, to require the oath from the voter, that such taxes, assessments and dues are paid and have been paid, at least, ten days before such election."

Receipts of payment of taxes may be required.

Or oath.

7. Section eight of said act is hereby repealed, and the following sections are substituted therefor :

Section 8, repealed.

"*Sa.* Each elector shall vote at the poll held for the ward of the said town in which he is qualified for the election of the mayor of the said town, and that of as many councillors as there are to be elected for the said ward only, and at no other polls ;

Place of voting.

2. In case a municipal voter shall be qualified as such in more than one ward of the said town, he shall have the right to vote in each of the said wards, and any such elector shall vote for the election of the mayor of the said town only once, and at the poll held for the ward in which such elector shall have and hold his residence ;

Right to vote in several wards.

3. In case a person shall be in possession as proprietor in more than one ward of the said town, of one or more lots, in each of said wards respectively, the value of which shall not come to the sum of two hundred dollars, in any of the said wards, if the collective value of all such lots together comes to or exceeds the said sum of two hundred dollars, such person shall have the right to vote for the election of the mayor of the said town, at the poll held for the ward of the said town, in which the name of such person shall first appear on the general valuation roll of the said town."

Different lots valued, each of them too low.

"*Sb.* The obligation imposed by this act, to have paid at least ten days before any municipal election in said town, all municipal or school assessments, taxes or other duties then due, to have the right to vote at such election, shall extend to the proprietor not qualified as municipal elector as to his property, but who is such on account of his rent, in case he be tenant."

Obligation to pay taxes, to have a right to vote.

President of
election of the
council.

"**Sec.** At a general or special meeting of the council of the said town, previous to the publication of the notice announcing any municipal election of the said town, the council of the said town, shall appoint a president of the election, for the election of the councillor or councillors for each ward of said town, and the secretary-treasurer of the council of the said town shall be *ex-officio* president for the election of the mayor of the said town ;

Sec.-treas. pre-
side at elec. of
mayor.

Amongst whom
chosen.

2. The presidents of the election of councillors shall be chosen as much as possible, amongst the councillors who shall not then go out of office, and at such general elections the mayor and the councillors going out of office shall not, in any case, be appointed presidents for the election of councillors for any ward of the said town ;

Literary
qualification.

3. The presidents of an election must know how to read and write."

Poll in the city
hall.

"**8d.** It shall be the duty of the presidents for the election of councillors in each ward of the said town, to hold a poll for their respective wards, at the town hall, at the time and in the manner hereinafter prescribed, when there shall be a contestation for the election of councillor in their respective wards, or when required so to do by the president for the election of the mayor, in case of the said election being contested."

Presidents
shall be keep-
ers of the
peace.

"**Se.** Each president of an election shall be keeper of the peace from eight o'clock in the morning of the nomination day until ten o'clock in the morning of the day following, and if the election of mayor be contested, from eight o'clock in the morning of the said nomination day, until ten o'clock in the morning of the day next following the close of the polls; if there be a contest only for the election of councillors in any ward of the said town, the presidents of election in the wards, only where there is a contest, shall be keepers of the peace during the time as lastly above established ;

Jurisdiction of
presidents.

2. The jurisdiction of every president of election, as keeper of the peace, shall extend throughout the entire town ;

Their powers.

3. The presiding officer at the election in any ward of the town, may, moreover, for the purpose of preserving peace and public order :

1. Swear in as many special constables as he deems necessary ;

2. Require the assistance of all justices of the peace, constables, and other persons residing in the said town, by verbal or written order ;

3. Commit on view, to the custody of a constable or of any other person, for a period of not more than forty-eight hours, any one breaking the peace or disturbing public order ;

4. By a warrant under his hand, imprison such offender in the common gaol of the district, or any house or other

place of confinement established within the limits of the said town, for any period not exceeding ten days."

"**Sf.** In order to avoid the holding of a poll for the election of the mayor or of councillors for any ward of the said town, in cases where no division of opinion exists among the electors, in respect to the person or to the persons intended to be elected mayor of the said town, or councillors for any ward thereof, and whereas it is necessary to provide that the candidates for any of the said offices shall be publicly known, and that none but those named shall be or may be elected, there shall be a nomination day for all the candidates for the offices of mayor of the said town and of councillors for the several wards thereof;

Nomination of the mayor and councillors.

2. The second Wednesday of January in each year, or if that day is a non-juridical day, then the next following juridical day is fixed by this act to be the nomination day for all candidates to the said offices."

Day fixed.

"**Sg.** At ten o'clock in the forenoon of the day fixed for the nomination, the president of the election either of the mayor or of the councillors for any ward of the said town, shall proceed to the place where such nomination is to be held as aforesaid, and shall then and there require the electors there present to name the person or persons whom they wish to choose as mayor, or as councillor or councillors, as the case may be, and any six duly qualified electors of the said town may openly and publicly address to the said president of the election of the mayor, within one hour from the opening of the meeting, and not afterwards, a written demand or requisition, bearing their signature, that the person by them named be elected mayor of the said town, for the next ensuing term of the said office of mayor, and if, during one hour after the opening of such meeting, there be only one such demand or requisition made as aforesaid, or if all the demands and requisitions so made, are for one and the same person, then the president of the election shall proclaim the said person duly elected mayor of the said town for the term next ensuing of the said office; and any six duly qualified electors in any ward of the said town, may, on the day aforesaid, address openly and publicly to the president of the election for such ward of the said town, for the said office of councillor or councillors in such ward, and within one hour from the opening of the meeting, and not afterwards, a written demand or requisition, and bearing their signature, that the person or persons named by them, be elected as councillor or councillors, for the said ward in which the petitioners are electors as aforesaid; and if during one hour after the opening of such meeting, there be only one demand or requisition for the election of a councillor or councillors in such ward of the said town, or if all the requisitions made in the said ward, be for the election of

Nomination of the mayor.

If there is only one candidate.

Nomination of councillor.

Case of no opposition.

Immediate
proclamation.

the same person or persons as councillor or councillors for the said ward, then the president of the election for such ward of the said town, shall proclaim the said person or persons, named in the said requisition or requisitions (as the case may be,) duly elected councillor or councillors for the said ward, for the next ensuing term of the said office or offices; and each and every such election made as aforesaid, without dissent or division therein, shall be forthwith proclaimed by the person who shall have presided at each such nomination, one hour after the opening of such meeting.

Notice to per-
sons elected.

2. The president of any election shall, moreover, give to the person or persons so elected mayor of the said town, or councillor or councillors for any ward thereof, notice of his or their election, within the three days next following the day of the nomination as aforesaid."

Case of contesta-
tion in the
election of mayor.

"*Sh.* In the case of several written demands or requisitions being made by six or more duly qualified electors as aforesaid, for the election of two or more persons as mayor of the said town, the president of the election of the mayor, shall grant for each ward of the said town respectively, a poll for the election of the said mayor, and the said election shall be proceeded with in the manner hereinafter prescribed; provided, however, that no person may or shall be voted for, or may or shall be elected, at such election, as mayor for the said town, for whose election a written demand or requisition shall not have been made as aforesaid, to the president of said election during one hour after the opening of such meeting;

Poll.

Proviso :

Opposition to
the charge of
councillors.

2. In the event of several written demands or requisitions being made on the nomination day for the councillors, in any ward of the said town, by at least six duly qualified electors as aforesaid, in any such ward, for the election of more candidates than there are councillor or councillors to be elected in and for any such ward, a poll shall be granted for each and every such election by the president of the election to whom such demands and requisitions have been made, and the said election shall be proceeded with, in the manner hereinafter prescribed; provided, however, that no person shall be voted for at any such election, or shall be elected thereat, as councillor for any ward of the said town, for whose election a written demand or requisition shall not have been made as aforesaid to the president of any such election, during the hour following the opening of such meeting;

Notice of vot-
ing given by
the president.

3. In case of contestation for the election of the mayor, the president of the said election shall, on the day next following the nomination day, give to each of the presidents of election for each ward of the said town, special notice in writing, that he has granted for each ward of the said town, a poll for the election of the mayor thereof, which

notice shall moreover mention the names of the several candidates put into nomination on the day before, for the office of mayor of the said town."

8i. In all the cases where one or more polls shall be Place of voting. granted under the authority of the next preceding section of this act, for the general elections thereof, each such poll shall be opened at the town hall, at ten o'clock in the forenoon, on the Monday next following the nomination day as aforesaid; and if it be a holiday, the said polls shall be opened, at the same place and the same hour, on the first juridical day next ensuing, by the president of the election for each ward of the said town, if it be for the election of the mayor, or if the said mayor has been elected by acclamation on the nomination day, by the president of the election of a councillor or councillors for any ward of the said town, who shall have granted such a poll for the said election; each such poll shall be closed at four o'clock Hour of voting in the afternoon of the day in which it shall have been opened;

2. It shall be lawful for each president of the election, to Poll clerk. have a poll clerk, whom he shall appoint by a writing under his own signature, and to whom he shall administer the oath His Oath. to truly, faithfully and to the best of his knowledge, judgment and ability, perform his duties as such, which duties shall be assigned to him by the said president of the election;

3. Every such poll clerk shall be paid out of the funds Salary. of the said town, at the rate of two dollars *per diem*;

4. The president of the election at the poll held for any Poll book. ward of the said town, shall enter or cause to be entered by his poll clerk, if one has been appointed, in a book kept in the manner hereinafter prescribed, and in the order in which they shall be given, the votes of the electors, by inscribing therein, the name, surname and occupation of Entry therein. each of them, such book to contain at the head of as many separate columns, the name and surname of the candidate, or of each of the candidates put into nomination to be elected as mayor of the said town, or councillor or councillors for any ward thereof, on the nomination day as aforesaid;

5. Every elector may vote at the poll held for the ward Right to vote of the said town in which he is qualified as such, for one of in several wards for the candidates to the office of mayor of the said town, and mayor and councillors. for so many candidates to the office of councillor as there are councillors to be elected for the said ward, and in the case of his being qualified as such elector in more than one ward of the said town, he may vote as aforesaid at each of the polls held for the wards of the said town in which he is duly qualified as such elector; provided, nevertheless, in the last case, that he shall give but one vote for the office

Proviso: of mayor, as it is provided by section 8a of this act, sub-section second ;

Right to vote only once. 6. Notwithstanding any provision of this act, which may be interpreted as inconsistent with this section, no municipal elector shall vote more than once at the poll held for the ward or any ward in which he may be qualified as such, for the election of councillor for any ward of the said town ;

Oath may be required from voters. 7. The president of the election for any ward of the said town, and in his absence, his poll clerk, shall have respectively the authority, and they are hereby required, when requested by any person duly qualified to vote at the election of the mayor, and at the election of councillor or councillors in any ward of the said town, to administer the following oath to any person tendering his vote at any such election, to wit :

Oath. " You swear that you are a subject of Her Majesty, that " you are entitled to take part and to vote at this election, " that all municipal or school assessments and taxes, and other " dues imposed upon your property or properties (or on the " property or properties held by you as tenant,) due and " payable previous to the ten days next preceding this day, " have been paid before said ten days," (if the oath is taken by a tenant) " that you now reside and you pay rent in the " town of Lachine since at least six months before this " day," (if there be a list of the municipal voters,) " that it " is your name which is entered on the list of the voters of " the ward (east, centre or west, *as the case may be*.) of this " town, now shown to you, that you have not received " anything, nor has anything been promised to you either " directly or indirectly to induce you to vote at this election, " (for the mayor of the said town, or for a councillor for " any ward thereof, *as the case may be*): So help you God."

Interpreter. 8. Whenever the president of the election for any ward of the said town shall not understand the language spoken by one or more electors, he shall appoint an interpreter, who, before acting, shall take before the president the oath to translate faithfully the oaths, declarations, affirmations, questions and answers, which the said president shall require him to translate, respecting this election ;

His oath. 9. Each page of the poll book kept for any ward of the said town, shall be numbered in words and countersigned by the president of the election who shall keep it, or by his poll clerk ;

Poll book countersigned, &c. 10. If an elector takes the oath required, or if he refuses to take such oath, or if objection is made to his vote, mention of each of those facts shall be made in the poll book kept for any ward of the said town, in the following terms : "sworn," "rejected," "objected to," as the case may be ;

Refusal to take the oath ; objection, &c. 11. The president of the election for any ward of the said town, nor his poll clerk, shall in any case, receive and

Effect of the refusal.

record the vote of an elector who shall refuse to take the oath contained in the seventh sub-section of this section ;

12. The president of the election for any ward of the said town, shall, at the close of the poll at which he presides, but before proclaiming the candidates elected as councillors for the ward of the said town for which he shall act, certify under his signature, on the poll book kept by him or by his poll clerk, the total number of votes given for each of the candidates as mayor of the said town, or as councillor or councillors for the ward thereof for which he shall act; Poll book certified by the president.

13. At the close of the poll, the president of the election for any ward of the said town shall declare elected councillor or councillors for the ward of the said town for which he shall act, for the ensuing term of the said office or offices of councillor or councillors, the candidate or candidates for the said ward who shall have received the largest number of votes; Proclamation at the close of the poll.

14. In case of an equal division of votes in favor of two or more of the candidates to the said office of councillor for any ward of the said town, the president of the election, at the poll at which such equal division of votes has been ascertained, shall, under a penalty of not less than fifty dollars, nor more than one hundred dollars, give his casting vote in favor of such said candidate or candidates as he shall think fit, and shall declare elected as councillor or councillors for any ward thereof, as the case may be, for the ensuing term of the said office of councillor or councillors, such candidate or candidates, who shall have thus received the largest number of votes; Casting vote.

15. The said president of the poll held for the election of the mayor, or of a councillor or councillors for any ward of the said town, shall be entitled to vote only in the case mentioned in the preceding sub-section of this section of this act; When the president votes.

16. During the space of an hour after the close of each poll, in case of contestation for the election of the mayor, the president of each such poll shall transmit to the president for the election of the mayor, who, during the holding of the said polls, shall be bound to be at the town-hall, a copy of the certificate by him prepared on his poll book and under his signature as mentioned in sub-section twelve of this act, stating the total number of votes given at the poll where he shall have acted as president, to each of the candidates to the office of mayor of the said town; and the president for the election of the mayor, after having received the said certificates, shall himself verify the total number of votes given in favor of each of the candidates to the office of mayor of the said town, at the poll held for each of the wards of the said town, and shall declare elected mayor of the town of Lachine, for the ensuing term of the Certificate of poll book to president of election of mayor. Summing up of votes. Proclamation.

said office of mayor, such candidate to that office who shall have obtained the greatest number of votes ;

Case of equal votes for the office of mayor.

17. In case of an equal division of the votes in favor of two or more of the candidates to the office of mayor as aforesaid, the president for the election of the mayor, shall, under a penalty of not less than fifty nor more than one hundred dollars, give his casting vote in favor of such candidate as he shall deem proper, and shall declare mayor of the said town for the ensuing term of the said office of mayor, such candidate to said office who shall have thus received the greatest number of votes ;

Who shall preside in the absence of the president.

18. If, at the time appointed for the election, either of the mayor of said town, or of one or two councillors for any ward of said town, on the day of nomination, or of the polling, the person appointed to preside at such election, be absent, then any such election shall be presided over by the senior justice of the peace present thereat, or in default of a justice of the peace being present thereat, by any person from the meeting, chosen by the majority of the electors present, and any justice of the peace or any other person acting as president of any municipal election of the said town, under the provisions of this section, shall take the oath of office required from the president of an election, and shall have the same powers, and shall be subject to the same obligations as the president of an election appointed by the council of the said town, under the provisions of this act."

Section 9, replaced.

8. Section nine of said act is hereby repealed, and the following is substituted therefor :

Notice to candidates elected.

"9. Within two days after the close of any poll, which shall have been held for the election of the mayor or of councillors for any ward of the said town, the president at any such poll, shall give to the candidate or candidates elected, notice of his or their election as mayor of the said town, or as councillor or councillors for any ward of the said town ;

Entry into office.

1. The mayor and councillors thus elected, shall respectively enter office at the first general or special session of the council of the said town, at the opening of such session ;

1st general session of the council.

2. The first general session of the town council of Lachine, after every general election of the said town, shall take place in the town hall, on the second Wednesday next following the day of the nomination of the mayor and councillors of the said town, at seven o'clock in the evening and in case that day be a holiday, then the said session, shall take place on the first juridical day ensuing, at the place and hour above mentioned ;

The newly elected shall take oath.

3. At any such first session, the mayor and councillors newly elected, shall respectively take the following oath

before a justice of the peace, or before a councillor who shall have not gone out of office :

" I , do solemnly swear faithfully to Oath.
 " fulfil the duties of mayor (or councillor) of the town
 " of Lachine, to the best of my judgment and ability : So
 " help me God ;"

4. The members of the council then present, provided they Members present.
 form a majority of the said council, shall be authorized to act
 as the council of the town of Lachine, and the newly elected
 members absent from such session, without just cause, Members absent without just cause.
 shall be held to have refused the office, and shall be liable
 to the fine provided for in like cases, in the act aforesaid,
 unless they be persons who are exempted from serving ;

5. The members absent for reasonable causes, shall take Members absent with reasonable cause.
 the oath above-mentioned, in the manner hereinbefore pre-
 scribed, at the first session of the council at which they
 shall be present, before the mayor or a councillor then
 in office ;

6. Four members of the council shall constitute a quorum ; Quorum.

7. The expenses of every election shall be defrayed out Expenses of election.
 of the funds of the corporation."

9. Sections eleven and twelve of said act are hereby Secs. 11 and 12, replaced.
 repealed, and the following substituted therefor :

" 11. Each president of election, appointed as afore- President of election shall take oath.
 said, shall, before acting in such capacity, take before any
 justice of the peace for the district of Montreal, the follow-
 ing oath : " I do solemnly make oath that I will faithfully Oath.
 " and impartially, to the best of my judgment and ability,
 " perform my duties as president of the election of the
 " mayor of the town of Lachine (or of two or one muni-
 " cipal councillors for any ward thereof, east,—centre—or
 " west—as the case may be :) So help me God."

" 12. The president of any municipal election of the said Refusal of the president to fulfill his office.
 town, who shall refuse or neglect to fulfil all the duties of
 such office, after having taken his oath of office, shall be
 liable to a penalty of not less than one hundred dollars, or Penalty.
 to imprisonment not exceeding three calendar months."

10. Section thirteen of said act is amended by substitut- Section 13, amended.
 ing for the words "at least once in each month" in the
 first and second lines thereof, the following words "on the
 first Wednesday of each month, at seven of the clock in
 the afternoon,"—and by adding thereto the following sub-
 sections :

" 2. In case of an adjournment of a meeting of said coun- Notice of adjournment by default of a quorum.
 cil for want of quorum, special notice of said adjournment
 shall be given by the secretary-treasurer, to the members
 of the council, who were not present at the time of the
 adjournment ;"

Service of the notice.

"3. Such notice must be served as aforesaid, at least twenty-four hours before the opening of such meeting, and in default of such notice being served within the delay hereinbefore determined, any proceeding adopted at such meeting thus adjourned, shall be invalidated."

Section 14, amended.

11. Section fourteen of said act is hereby amended by adding thereto the following sub-sections :

Special meeting ; notice.

"2. The notice calling a special meeting shall mention the matters to be taken into consideration, and no other matter or measure shall be discussed or adopted thereat ;

Service of the notice.

3. Any notice calling a special meeting, must be served upon the members of the council entitled to such service, at least twenty-four hours before the opening of such meeting, and in default of such notice being served within such delay, any proceeding adopted at such special meeting shall be invalidated."

Adjournment.

12. Any general or special session can be adjourned by the council to any other hour of the same day, or to a subsequent day, without it being necessary to give notice of such adjournment to the members who were not present ; provided nevertheless, the members of said council present at such general or special session, be a quorum of said council ;

Notice to whom given.

2. If the notice calling a special session, or the resolution ordering the adjournment of any session of said town council, does not mention the hour at which any such session shall be opened, in that case, any such session shall be opened at seven of the clock in the afternoon.

Hour of the sessions.

Mayor and councillors shall be justices of the peace.

13. The mayor and the councillors of the said town shall, during the period of their office, be justices of the peace for the said town ; provided always, they shall not be bound to take any other oath than the official one, to act as such mayor or councillors, any law to the contrary notwithstanding.

List of the municipal electors.

14. Within thirty days next following that upon which the general valuation roll of the said town shall have finally taken force and effect, as provided for by section twenty-five of the act aforesaid, the secretary-treasurer shall be bound to make out and prepare, for each ward of the said town respectively, an alphabetical list of the names of persons, who, according to the said roll, shall appear to be duly qualified as municipal voters for such ward respectively, as proprietors or tenants, under the provisions of this act, and the said secretary-treasurer shall certify the correctness of all such lists, under oath taken before the mayor of the said town, or, in his absence, before any other

Certificate of the sec.-treas.

justice of the peace, and he shall deposit such lists in the Deposit. office of the town council on the day following ;

2. In all cases when for any reason whatever, the elec- Default of a toral lists above mentioned, or any of them, shall not have list. been made out and prepared in the manner and delay above prescribed, the town council may order the secretary-treasurer to make out such lists within a further delay to be fixed by the said council ;

3. Within two juridical days next following that of the deposit of the said alphabetical lists in the office of the town council, the secretary-treasurer shall give public notice of such deposit, in the manner prescribed for the publication of the by-laws of the said town, which notice shall moreover mention that the said lists shall remain posted up in the said office, for the information and examination of the interested parties during fifteen days next following that upon which the said lists shall have been deposited as aforesaid. Notice of the deposit of the list. Delay of the deposit.

15. During the said fifteen days, every person who shall desire to have his name added on the or on any one of the said voters' lists, or every elector who shall desire to have one name or several names erased from such lists, shall prefer his request in writing and under his signature, stating the ward or wards to which he belongs, or to which belongs the person whose name he shall desire to be erased as aforesaid, and shall cause such request to be delivered to the secretary-treasurer on or before the last day of the delay hereinabove granted to prefer such request, and in case such last day be a non-juridical day, the said request shall be made in the aforesaid manner no later than the next following juridical day. Complaints and requests.

16. At seven o'clock in the evening of the last day the voters' list is to remain posted up in the office of the town council, a board of revisors of the said list which shall be composed of three councillors to be specially appointed by the council for that purpose, at its general session held in the month of June, and if such general session has not been held, at a special session to be held within fifteen days from the time of the said general session, shall proceed to the revision and amendment, if required, of the said municipal voters' list ; Revision of the list by revisors.

2. The three members of the board of revisors shall, in all cases, act together ;

3. Such councillor being a member of the said board as the other members of the board shall choose as president at the meeting, shall preside thereat ;

4. The revisors shall act as such, under their oath of office as councillors.

Hearing of
claims.

17. The said revisors shall hear the persons who shall have made any claims and shall decide thereon ; in case all the said lists shall not be then examined, they shall have the power to adjourn from day to day until the said lists shall be finally revised and settled ;

Power of the
president to
examine under
oath.

2. The person presiding the said board, shall have the power to examine upon oath all persons, respecting the said claims, and all matters connected with the revision of the said lists ;

Decisions.

3. The said board, after having heard the best evidence of which the cases will admit, shall be bound and they are hereby required to decide upon the said municipal voters' lists, and to make to said lists the necessary additions or erasures respecting the claims to them submitted ; they shall

Corrections.

have also the power to correct all errors, or to add anything accidentally omitted on the said lists ; and the said lists so revised and settled, shall be signed by the person presiding

Signatures.

the said board, countersigned by the secretary of the said town, who shall act as secretary of the said board, and sealed with the town seal, and the same shall be the only

Proviso :

correct lists of municipal voters ; provided always, that the name of no person shall be erased from any of the said lists, without such person being notified of the claim for that purpose and of his having had occasion to be heard respecting such claim ; and provided also, that the said revisors shall hear no claim unless the same be made in writing within the delay above mentioned ;

Duration of
lists.

4. Such lists so revised shall remain in force till the time when the new lists of the municipal voters for the following year shall finally come into force ;

In case lists
not made out.

5. In case such lists be not made out or not exist at the time of any municipal election of the said town, such election shall not be prevented on that account, and the qualification of the electors shall be ascertained in such case, by the oath of the municipal elector and the valuation roll then in force in the said town, as provided by the provisions of this act.

Requirements
necessary for an
elector.

18. Whenever lists of municipal electors for the said town shall exist, no person shall have the right to have his vote registered in the poll book kept for the election of the mayor or of a councillor or councillors for any ward of the said town, unless the name of such person shall be inscribed on the list of the municipal electors for the ward in which such person is qualified, without prejudice nevertheless, to the provisions contained in any section of this act, as to the payment of the assessments and to the period of time of the residence of tenants within the limits of the said town.

19. The secretary-treasurer of the town of Lachine shall be bound to perform whatever it be his duty to perform under the provisions of the law respecting the jurors' list, and the list of parliamentary electors. List of jurors and parliament electors.

20. Section twenty-five of the act aforesaid, is amended by substituting the words "one year" to the words "three years" in the twenty-fifth and twenty-sixth lines thereof. Section 25, amended.

21. Section twenty-nine of said act is hereby repealed. Section 29, repealed.

22. Sub-section five of section thirty-three of said act is hereby repealed, and the following sub-section five is substituted therefor: Sub-sec. 5 of sec. 33, repealed.

"5. On every dog kept by persons residing in the said town, an annual sum not exceeding one dollar; and on every bitch kept by persons residing in the said town, an annual sum not exceeding two dollars." Dogs.

23. Sub-section six of section thirty-three of said act is repealed, and the following sub-sections are substituted therefor: Sub-sec. 6 of sec. 33, repealed.

"6a. It shall be lawful for the said town council to regulate by by-law or by-laws and to impose and levy an annual tax (to be called "the business tax") on hotel or tavern-keepers, brewers, distillers, merchants, traders, manufacturers, pedlars, bankers, brokers and money lenders, auctioneers, grocers, bakers, butchers, hucksters, pawnbrokers, livery stable keepers, on all persons hiring horses for towing boats, barges, rafts or for pulling or driving them from one place to another; carters, tanners, inspectors of ashes, pork, beef, flour, butter or other produce; on owners of horses, carriages, dogs; and on all traders and manufacturers and their agents, and on proprietors or managers of theatres, billiard rooms, ball alleys or other like games; and generally on all trades, manufactories, occupations, business, arts, professions or means of profits or of livelihood, whether hereinbefore enumerated or not, which now are or may hereafter be carried on, exercised, or in operation in the said town." Power to impose business taxes.

"6b. To fix the amount of the commutation money payable by each person liable to statute labour on the highways in the said town; and to compel every person, so liable, to pay the amount of such commutation money so fixed, without his being allowed to offer his personal labor on the said highways instead thereof." Commutation money and statute labor.

24. Every special tax imposed under the provisions contained in sub-sections 6a and 6b of the preceding section, may, in the discretion of the said council, be a fixed Mode of imposing such tax.

annual rate on all or any of the several classes of persons subject to such tax, and on the real estate by them occupied for the purpose of their trade, business or manufacture; or a proportional tax to be determined by the said council according to the assessed annual value of the real estate or any part thereof, occupied as aforesaid, or according to the annual value of the rent of such real estate or any part thereof, occupied as aforesaid, by the persons liable to such tax, or by both modes at once, that is to say, a fixed tax on the persons liable to such tax, and a proportional tax on the real estate occupied as aforesaid; or only a fixed tax on such person, according as the said council may in each case consider it to be most advantageous to the said town. The said council may also, if they see fit, impose the said tax in the form of a license payable annually at such time, and under such conditions and restrictions as the said council may determine.

Licenses.

Power to make by-laws respecting chimneys.

25. The said council shall also have the necessary power to make by-laws:

1. To regulate the construction, dimensions, height and elevation of chimneys, and specially where any house or building is erected or elevated above any other house or building to which it may adjoin, or near which it may be; to determine by whom, at whose cost, in what manner, to what height, and within what delay the chimneys of the less elevated house or building shall be raised so as not to endanger the adjoining or neighbouring property and to prevent all hazard of accident or loss by fire;

Appointment of the necessary officers.

2. For appointing all such officers as the said council shall deem necessary for carrying into execution the by-laws of the council of the said town, and for prescribing their duties and powers, and providing for their equitable remuneration out of the funds of the said town;

To authorize officers to visit houses.

3. For authorizing such officers as the council shall appoint for that purpose, to visit and examine at suitable times and hours, to be determined by such by-law, the inside and outside of all houses, buildings and real property of any description, within the said town, for the purpose of ascertaining whether the by-laws to be passed as aforesaid have been duly observed and obeyed; and for obliging all proprietors, possessors or occupants of such houses, buildings or property, to admit such officers and persons at times and hours and for the purposes aforesaid.

To force the closing of barbers' shops on Sundays, &c.

26. The said town council shall moreover have the power to make by-laws for the following purposes, to wit:

1. To enforce the closing of barbers' shops and photographers' establishments in the said town, on Sundays;

2. To prohibit the selling, vending or retailing, by merchants, and mercertraders, pedlars, hawkers, petty chapmen, hotel-keepers, tavern-keepers, or persons, keeping houses or places of public entertainment in the said town, and all other persons, on Sunday, of goods, wares, merchandise, wines, spirits, or other strong liquors, or the purchasing or drinking thereof in any hotel, tavern or house or place of public entertainment in the town, by any person or persons; and also to enforce the closing of saloons and taverns in the said town, from eleven o'clock on Saturday evening until five o'clock on Monday morning following; and the said council may, by any such by-law, give power and authority to enter into all stores, shops, hotels, taverns or other houses or places of public entertainment of any description whatsoever, and all houses or places whatever in the said town, for the purpose of arresting on view any parties suspected of selling, vending, or retailing, or offering, or exposing for sale, or of purchasing or drinking, as aforesaid;
3. To punish any person who shall ill-use or cruelly treat any animal in the said town;
4. To prohibit the rearing, keeping or feeding of pigs within the limits of the said town, or within such sections of the said town, as the said council shall determine;
5. To authorize the seizure and confiscation, for the benefit of the said town or of the poor, of grain, flour, butter, potatoes and all other vegetables, articles and effects, offered for sale in the said town, for or on account of deficiency in measure, weight or quality, or any other good and sufficient cause;
6. To establish and regulate public markets and private butchers' or hucksters' stalls; and to regulate, license or restrain the sale of fresh meats, vegetables, fish or other articles usually sold on markets;
7. To establish, regulate and administer public slaughter-houses, either within or beyond the limits of the town, that is to say: within a distance of one mile from the limits of the said town, and prohibit the killing of any animal in any other place than in a public slaughter-house;
8. To determine the direction of all natural water-courses passing through private property in the said town, and to regulate all matters concerning the same, whether the said water-courses be covered or not, and to order and prescribe that any such water-course be covered either with wood or stone at the expense of all the persons interested in such watercourse;
9. To regulate the planting, rearing and preserving of ornamental trees in the streets, squares, parks and highways of the said town, and to compel any proprietor of land situate within the limits of the said town, to plant trees in front of and along the streets bordering his property, under

To prohibit selling liquors on Sundays.

Closing of saloons on Saturday evening, &c.

Arrest.

Cruelty to animals.

To prohibit the rearing, &c., of pigs.

For the confiscation of certain articles.

Markets.

Slaughter houses.

Water courses.

Plantations of trees.

the direction of the road surveyor of the said town, and to authorize the said surveyor to cause such plantation or any work necessary for the preserving of said trees to be made, and to exact the cost thereof from such proprietor in case the latter shall refuse or neglect to comply with such verbal order of the said surveyor.

Police force.

27. It shall be lawful for the said town council, by a resolution passed to that effect, to appoint, dismiss and replace, from time to time, when occasion shall require, one or more men to compose the police force of the said town, which may be established under the authority of the twentieth subsection of section thirty-four of the act hereby amended; and such men shall be sworn before any member of the council of the said town, or before any justice of the peace for the district of Montreal, to act as police officers or constables, in order to preserve peace within said town, to prevent larcenies and other misdemeanors, and to arrest any person breaking the peace, as also any person infringing upon any federal or provincial law, or upon any of the by-laws of the said town if such by-law contains a provision to that effect; and the said police officers or constables shall obey all orders from the said council, or from any justice of the peace residing in the said town; and all and every such police officers or constables shall be vested with all the necessary powers for the legal accomplishment of all duties imposed upon them by said council; and it shall be lawful for them to arrest on view and without a warrant any person they may find breaking the public peace, or lying or loitering either during night or day-time in any highway, field, yard or other place, or lodging or sleeping in any barn, out-house or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk or causing some tumult in the public streets or highways, by shouting, cursing or otherwise, and any person infringing upon any federal or provincial law, or any by-law of the said town; and it shall be also lawful for the said police officers or constables to arrest on view and without a warrant any such person immediately, or immediately after the commission of the offence, on good and sufficient information being given as to the nature of the offence; they shall have also the power and authority to arrest without a warrant, and on view, within the limits of the said town, all persons who shall have infringed upon any federal or provincial law, or any by-law of the said town as aforesaid, or who shall have advised, aided, or encouraged whomsoever to infringe upon any such federal or provincial law, or any such by-law, within the limits of the said town; they shall have the power and authority, within the limits of the said town,

Its powers.

to serve and execute all warrants and other proceedings Warrants, &c. for arresting and confining into gaol, of persons accused or detained for subsequent examination or for their trials, or arrested under a warrant of execution, for the com- Service and execution of warrants. mission of any crime or misdemeanor, or the violation of any federal or provincial law, or of any by-law of the said town, and for the execution and the service of any such warrant, they shall be vested with the same powers and authorities as the constables, under the common law; it Power to enter houses. shall be lawful for any police officer or constable of the said town, to go into every house, store-house, grocery store, shop, inn or other suspicious house, and to go in every yard or other places within the limits of the said town, in which any person may be reasonably suspected to be for ill motives, and if any such person be found in such places, the said police officers or constables, shall arrest on view To arrest on view. and without a warrant, and shall keep in custody any such person as in the case of other arrestations by such police officers or constables; they shall have also the power and authority To enter any hotel, &c. to go into every inn, hotel, and in every licensed shop for the sale of spirituous, vinous or fermented liquors, to ascertain whether the laws regulating such houses, or whether the by-laws, orders and ordinances which the said town council shall have established concerning such houses, be faithfully observed, and to arrest on view and without a warrant all persons found in every such house, in contravention of all such laws, by-laws, orders and ordinances, as aforesaid. It shall be lawful for the said police officers or constables, at any time, to go into every store house, shop or other houses not licensed for the sale of spirituous, vinous or fermented liquors, wherein they shall suspect such liquors are sold, and to arrest on view and without a warrant, every person contravening to the laws prohibiting the sale of spirituous, vinous or fermented liquors, without license; any Persons arrested may give bail, or shall be kept. such persons so summarily arrested may be admitted to bail in the manner hereinafter provided, or be immediately conveyed by the said police officers to the police station, or to any of the police stations of the said town, there to be safely kept until they may be taken before the mayor, a councillor, or other justice of the peace of said town; and in case the trial could not take place within forty-eight hours after such arrest as aforesaid, such persons so arrested may give bail or a sufficient recognizance, to be taken or received by the said mayor, councillor, or other justice of the peace of the said town of Lachine, and shall appear on the day appointed, before the said mayor or other justice of the peace, and any recognizance so taken shall be subject to the same procedure for the forfeiture of the same, as any recognizance taken before a justice of the peace.

Encroachment
on roads, &c.

28. It shall be lawful for the said town council to notify any parties who may make or shall hereafter make encroachments upon the roads, streets and public squares of the said town, by means of houses, fences, fence doors opening on streets or side-walks, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions, by giving such persons a reasonable delay for the purpose, which delay shall be specified by the road inspector of the said town, in giving his notice for and in the name of the corporation of the said town, and if such persons shall not have removed such encroachments or obstructions within the delay specified as aforesaid, the said corporation shall provide therefor according to law in such case.

Power to pass
by-laws.

29. The said council shall also have the power to make, amend or repeal by-laws, for the following objects:

Hog-sties, &c.

1. For regulating the building of hog-sties and privies; for regulating the places where such hog-sties, privies and stables shall be built; for obliging all persons to clean their stables, hog-sties, out-houses, sheds, privies and yards, at such times and in such manner as the council shall deem expedient; for preventing deposits being made of deleterious substances or matters exhaling gas or infect odours in the said town, or for regulating the manner in which such deposits shall be made;

Unhealthy de-
posits.

Dogs.

2. For preventing owners of dogs from allowing them to go free through the roads, streets and public squares of the said town, or for determining under which conditions they may be so allowed, or for prescribing that all dogs be licensed, and shall carry around its neck a dog-collar with a number legibly written (or engraved) upon a metallic medal attached to the said collar, to wit: the number which must be entered in said license, and for authorizing the killing of all dogs found in contravention with the by-laws of said council;

Licenses.

Theatres, &c.

3. For regulating the manner in which shall be kept theatres, circuses, menageries or other like exhibitions, and submitting the same to a tax or duty; and any duty imposed by any by-law made under this sub-section, may be levied, if not paid on demand, on all goods and chattels, found in the possession of any person connected with such theatre, circus, menagerie, or exhibition, under a warrant of attachment signed by the mayor or by a justice of the peace of the said town, and such warrant of attachment shall be made executory *instantly* without any other preliminary formality; and for prohibiting any representation and exhibition which might injure public safety or morality;

Police stations.

4. For establishing within the said town, one or more houses of confinement, police stations or other houses of

confinement, for the safe-keeping of any persons arrested for any infringement to law or to any by-law of the said council, until they may be brought before the mayor, or any councillor of the said town or before any justice of the peace for the district of Montreal, or conveyed to gaol, if there be reason to, after their conviction;

5. For causing to be opened, digged, widened, covered and properly maintained all boundary ditches, common ditches, or all water-courses common to several lands, whether such lands are wholly or partly situated within the limits of the said town, as the said council shall deem necessary for the easier draining of any land situate within the said town, and for regulating when, in what manner, and by and at the cost of what person, such works shall be made; and, in case the said council shall think it more advisable to cause the said works to be made at the common expense of the interested parties, they may assess the owners of all lands drained by such ditches or water-courses to such sums as shall have been required for that purpose, and that, in proportion with the assessed value of such lands, or the length of such ditches or water-courses upon such lands; and for regulating the mode of collecting such assessments required for defraying such expenses for making or maintaining said ditches or water-courses, as well as the cost of any *procès-verbal*, if any be made; and the said council may appoint one or more inspectors of water-courses, regulate his or their duties and impose penalties not exceeding twenty dollars, or an imprisonment not exceeding one month, upon any person obstructing or deranging, or allowing to obstruct or derange such ditches or water-courses, or refusing to make or to allow to be made, all works ordered by the said inspector under the said by-laws; provided, that it shall be lawful for the said council to take, for a period of time fixed by the said council by a by-law passed for that purpose, all the works connected with such water-courses and ditches, upon their charges, at their own expense, and under their responsibility, if they think it advisable;

Ditches, water courses, &c.

Tax for that end.

Inspectors of water-courses.

Penalty in case of contravention to his orders.

Proviso:

6. For authorizing the granting of licenses to carters, owners and drivers of public vehicles for hire, in and for the said town, and also for the good government of the owners and drivers thereof, and for establishing rules and by-laws in respect for carts, cabs, calashes, carriages or other public vehicles for hire, in and for the said town, and also for establishing a tariff of rates therefor, and for imposing a fine or penalty on any carter, &c., who shall exact in any manner whatsoever, a larger amount than that allowed by the said tariff, and to force any carter, owner and driver of public vehicles for hire, by means of penalties fixed by by-laws of the said town for that purpose, to grant their services to any person who shall require such services, and shall

License to carters.

Their guidance.

Tariff.

offer to pay for the same the rate fixed in the said tariff by the said council ;

Division of the town in lots.

7. For dividing the town into lots, as to them shall seem advisable, and for compelling all owners and tenants of any lot to allow the numbers of such lots to be posted on their houses, or on such lots as well as the names or numbers of the streets and avenues of the said town, on such lots or houses which the said council may designate, under a fine not exceeding twenty dollars, or an imprisonment not exceeding one month, against any person who shall remove, destroy, attempt, aid, advise, or incite whomsoever to remove or destroy such numbers or names.

Names and numbers of streets.

Sale of lots in certain cases.

30. In all cases where any person, having been taxed in respect of any vacant ground or other real property in the said town, shall not reside within the said town, or, in all cases where sufficient chattels shall not be found to be seized for the payment of the taxes imposed upon any person in the said town in respect of any ground, building, or other immovable property belonging to such person, and if any such taxes remain unpaid for six months after the notice of the deposit of the collection roll of the said town shall have been given, then and in such case, it shall be lawful for the said council, on a report made to that effect by the secretary-treasurer, to authorize the said secretary-treasurer to sell or cause to be sold by public auction, at the office of the town council, in the manner hereinafter prescribed, the real properties, or any of such real properties which the said council shall designate by a resolution, so indebted unto the said council for municipal taxes.

List of lots to be sold.

31. The secretary-treasurer shall make out, from time to time, a list containing a sufficient designation of the properties the sale of which, by public auction, shall have been ordered by the said council as aforesaid, and he shall give within fifteen days after such order shall have been given, a public notice in the manner prescribed for the publication of the by-laws, of the day, hour and place where such sale by public auction shall take place, and such notice and copies thereof to be posted up, shall be respectively accompanied with a copy of the list of the properties to be so sold by public sale. The above public notice and the list which shall accompany it, shall be published twice in the French and English languages in the "Quebec Official Gazette," before such sale, and such sale shall not take place before fifteen days at least after the first insertion of the said notice and list in the said Official Gazette ; provided always, that all owners of real estates sold under the authority of this section, shall be allowed to resume possession of the same within the space of two years next after the date of such sale,

Notice.

Notice and list to be published in the Q. O. G.

Wright of resuming possession at certain conditions.

on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said council under this act; (on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate), and moreover the costs incurred to make such sale, and in addition five per centum over and above the interest as well on the amount of purchase money and costs as on the price of the said outlay; and provided also, that if after such sale of property, any surplus shall remain over and above the sum due to the said council, for assessment and costs, such surplus shall be deposited by the said secretary-treasurer with the funds of the said town, to be subsequently handed over on demand, and without interest, to the person to whom the said property so sold belonged. ^{Surplus.}

32. All municipal taxes and other municipal dues, shall bear interest at six per cent per annum, from the day of their being due; and it shall not be necessary that a special demand be made to that effect. ^{Interest on taxes.}

33. The said town council in the exercise of its powers and attributions, and the members and officers of the said council in the discharge of their respective duties, may use one or the other of the French and English languages, unless otherwise provided by any of the provisions of this act. ^{English or French language may be used.}

34. The foregoing provisions shall be held to form one and the same act with the act of this province, thirty-six Victoria, chapter fifty-three, and any provision in the said act inconsistent with this act is hereby repealed. ^{Interpretation}

35. This act shall come into force on the same being sanctioned. ^{Coming into force of this act.}

C A P . L X X I X .

• An Act to incorporate the City of Hull.

[Assented to 23rd February, 1875.]

WHEREAS the rapid growth of that part of the Town-ship of Hull, known under the name of the Village of Hull, require that it be now incorporated under the name of the City of Hull; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: ^{Preamble.}

Incorporation
of the city of
Hull.

Name of the
corporation
and its powers.

1. The inhabitants of that part of the township of Hull, known under the name of the village of Hull, hereinafter described and determined, and their successors, shall be, and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of "the Corporation of the City of Hull;" and by the same name they and their successors shall have perpetual succession, and shall have power to sue and to be sued, implead and to be impleaded, answer and to be answered unto in all courts, and in all actions causes and suits at law whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, or by legacy, acquiring, holding and departing with any property, real or movable, for the use of the said city, of becoming parties to any contracts or agreements in the management of the affairs of the said city, and of giving or accepting any notes, bills of exchange, bonds, obligations, judgments, securing the payment of any sum of money borrowed or loaned, or for the execution of any duty, right or thing whatsoever.

Boundaries
and limits of
the city.

2. The boundaries and limits of the said city of Hull shall be as follows, that is to say: to comprise lots one to seven inclusive in the third and fourth ranges of the township of Hull, and part of lots one, two, three and four in the fifth range of Hull, and all that part of the township of Templeton, lying to the west of the river Gatineau, all of which may be better known and described as follows:

Commencing where the side line between lots seven and eight in the third range of the township of Hull meets the river Ottawa, thence northerly along the said side line sixty-seven chains and fifty-four links, more or less, to the line between the third and fourth ranges, thence northerly along the said line between lots seven and eight in the fourth range of Hull, eighty-two chains, more or less, to the line between the fourth and fifth ranges, thence easterly along the line between the said fourth and fifth ranges ninety-seven chains and forty-four links, more or less, to the centre of the Gatineau road, thence northerly along the centre of the Gatineau road one chain and seventy-one links, more or less, to a point opposite the centre of the Leamy road, twenty-nine chains and fifty links, and to continue in the same straight line a further distance of forty-two chains more or less to the river Gatineau; and thence along the westerly margin of the Gatineau river, with the stream, to its confluence with the river Ottawa at the point A on the plan of the said city annexed hereto, thence on the bearing south forty-five degrees east astronomically to the boundary between the provinces of Ontario and Quebec, and thence westerly in the river Ottawa along the last mentioned boun-

dary, against the stream, to a point in the same where it would be intersected by the side line between lots seven and eight in the third range of the said township of Hull, produced to meet the said boundary, and thence along the said last mentioned side line as produced to the place of beginning.

3. It shall be lawful to any owner or proprietor of land immediately adjoining and contiguous to the limits of the said city of Hull, after notice given by such owners or proprietors to the municipal authorities of the said city, and with the consent of the said authorities manifested by a by-law to be passed to that effect by the said municipal authorities in the ordinary manner, to demand and obtain that the said property be included within the limits of the said city of Hull, and thereafter so successively for all other proprietors of property or properties so adjoining the property or properties so successively included into the limits of the said city as aforesaid; and upon such inclusion being declared by a by-law as aforesaid such proprietors, whose properties shall be so included, shall have and possess all the municipal privileges, and shall be subject to all the obligations, duties and charges imposed on the persons and on the properties previously included in the limits of the said city.

Adjacent lands may make part of the city.

Effect of the annexation.

4. The said city shall be divided into five wards, which shall be respectively designated and known, under the names of "ward first, ward second, ward third, ward fourth and ward fifth," and shall be bounded as follows, to wit:

Division of the city into wards.

No. 1st. Commencing where the side line between lots seven and eight, in the third range of the township of Hull, next the Ottawa river, thence northerly along the said side line sixty-seven chains and forty-four links, more or less, to the line between the third and fourth ranges, thence northerly along the side line between lots seven and eight in the fourth range, eighty-two chains, more or less, to the line between the fourth and fifth ranges, thence easterly along the line between the fourth and fifth ranges, ninety-seven chains and forty-four links, more or less, to the centre of the Gatineau road. Thence northerly along the centre of the Gatineau road, one chain and seventy-five links, more or less, to a point opposite the centre of the Leamy road, thence easterly along the centre of the Leamy road, to the side line between the lots three and four, thence southerly along the side line between lots three and four, to the line between the fourth and fifth ranges of said township, and thence southerly along the side line between lots three and four in the fourth range to the centre of Walker street, thence easterly along the centre of Walker street, three

Ward 1st.

chains and eighty links, more or less, to the centre of the Brewery channel or mill creek, and thence along the main channel of the said mill creek, against the stream, to the Ottawa river, and thence due south astronomically to the boundary between the province of Ontario and Quebec, and thence along the last mentioned boundary to a point in the same where it would be intersected by the line between lots seven and eight in the third range of the said township of Hull, produced to meet the said boundary, and thence along the said last mentioned side line produced to the place of beginning.

Ward 2nd.

No. 2nd. Commencing in the centre of the Leamy road, where intersected by the side line between lots three and four in the fifth range of the township of Hull; thence easterly along the centre of Leamy road, fourteen chains and fifty links, and thence in the same straight line a further distance of twenty-six chains and sixty-five links, more or less, to the line between lots two and three, in the same fifth range; thence southerly along the side line between lots two and three, thirty-six chains and twenty links, more or less, to the line between the fourth and fifth range; and thence southerly along the said line between lots two and three in the fourth range to Chaudière street, and thence along the centre of Chaudière street to the centre of the common, where a boundary bolt has been planted; thence easterly at right angles with Chaudière street to a point opposite the centre of Bridge street, and thence southerly along the centre of Bridge street and the Suspension bridge to the boundary between the province of Ontario and Quebec; and thence along the boundary between the province of Ontario and Quebec, against the stream, to its intersection with the easterly boundary of 1st. ward, and thence along the said easterly boundary of 1st. ward to the place of beginning.

Ward 3rd.

No. 3rd. Commencing at the north-east angle of ward number two, thence easterly along the prolongation of the line passing through the centre of the Leamy road, a distance of seventy chains, and thirty links, more or less, to the Gatineau river, thence along the westerly margin of the Gatineau river, with the stream, to the side line between lots one and two, in the fifth range of the township of Hull, thence southerly along the side line between lots one and two, in the fifth and fourth ranges of the said township to its intersection with the centre of Lake street, and thence along the centre of Lake street to Main street, thence across Main street to the north-west angle of lot number one in block number thirty-nine (39), and thence along the west side of said lot number one to its south-west angle, thence across Slide street to the north-west angle of lot number one in block number forty (40),

and thence along the westerly side of said last mentioned lot number one to the Slide channel, and thence southerly on a line parallel to a line passing through the centre of Lake street, to the boundary between the province of Ontario and Quebec, and thence westerly along the said last mentioned boundary to the south-east angle of 2nd. ward, and thence along the easterly boundary of said 2nd. ward to the place of beginning.

No. 4th. Commencing where the line passing through Ward 4th. the centre of Lake street intersects a line passing through the centre of Division street, thence easterly along the centre of Division street, and a prolongation thereof to the boundary between the province of Ontario and Quebec, thence westerly along the last mentioned boundary, against the stream of the Ottawa, to the south-east angle of ward number third, and thence northerly along the eastern boundary of ward number third, to the place of beginning.

No. 5th. Commencing where the said line between lots Ward 5th. one and two in the fifth range of the township of Hull, intersected the river Gatineau, thence along the westerly margin of the Gatineau river, with the stream of its confluence with the Ottawa, at the point A on the plan herewith, thence on the bearing south forty-five degrees east astronomically, to the boundary between the province of Ontario and Quebec, thence along the last mentioned boundary, against the stream of the Ottawa river, to the north-east angle of 4th ward, thence along northern outline of said 4th ward, to its north-west angle in lake Florea, and thence northerly along the eastern boundary of 3rd ward to the place of beginning.

5. There shall be elected from time to time, in the manner hereinafter mentioned, two fit and proper persons in each ward who shall be and be called the aldermen of the said city of Hull, and such aldermen for the time being shall form the council of the said city, and shall be designated as such, and shall represent, for all purposes whatsoever, the corporation of the city of Hull, which aldermen shall elect from amongst their number, a fit and proper person, who shall read and write, to be mayor, the said mayor and aldermen shall be *ex-officio* justices of the peace for the said city, as long as they shall remain in office.

Election of the mayor and aldermen.

Literary qualification of the mayor.

They shall be *ex-officio* justices of the peace.

6. No person shall be capable of being elected a alderman of the said city, unless he shall have been a resident of the said city for one year before such election, nor unless he be possessed to his own use, in his own name, or in the name of his wife, real estate within the city for which he is proposed to be elected of the value of four hundred dollars.

Qualification of aldermen.

Further qualification.

7. No person shall be capable of being mayor or alderman of the said city of Hull, unless he be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years; nor unless he shall continue to reside, during his tenure of office, in the said city.

Persons ineligible as mayor or alderman.

8. No person being in holy orders, nor any ministers of any religious belief whatever, nor any judge of the court of Queen's bench or of the superior court, nor any person accountable for the revenues of the said city, or receiving any pecuniary allowance from the city for his services, nor any officers or person presiding at the election of the aldermen, while so employed, nor any person having in person, or through his partner, any contract whatever, or interest in any contract with or for the said city, shall be capable of being elected aldermen for the said city; provided always, that no person shall be held incapable of being elected alderman for the said city from the fact of his being a shareholder in any incorporated company which may have a contract or agreement with the said city.

Proviso :

Persons exempt of said functions.

9. The following persons shall not be obliged to accept the office of aldermen of the said city, nor any other office to be filled by the council of the said city, viz: Senators and members of the house of commons, members of the legislature, practising physicians, surgeons, and apothecaries, school-masters actually engaged in teaching, persons over sixty years, and the members of the council of the said city, who have been so within the two years next preceding, and the persons who shall have fulfilled any of the offices under such council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such payment or service.

Who may vote at the municipal election for the city.

10. The persons entitled to vote at the municipal elections of the said city, shall be male inhabitants, freeholders and house-holders of the age of twenty-one years, possessed at the time of real property in the said city of the value of two hundred dollars, or twenty dollars annual revenue, and tenants of the age of twenty-one years, who shall have resided in the said city, and paid rent during the year immediately preceding the election, on a dwelling house at the rate of not less than twenty dollars per annum, which qualification shall be ascertained by the valuation roll which it shall be the duty of the council to amend and perfect from year to year; provided always, that no person qualified to vote at any municipal election in the said city, shall have the right of having his vote registered, unless he shall have paid the municipal and school taxes then due.

Voter must have paid his taxes, and the receipt may be demanded.

before the first day of voting, and any candidate at such election, or the person presiding thereat, may require the production of the receipts establishing the payment of such taxes that have become due as aforesaid; and every elector shall vote in the ward in which his property is situated, and at the poll for such ward, and for the same one or more of the candidates nominated therefore.

In what ward he must vote.

11. The municipal election for the said city, in virtue of this act shall, after the present year, be held in the month of January in each year, and public notices thereof shall be given at least fourteen days previous to such election, in the French and English languages, by notices posted up at the door of the churches, and in the markets of the said city, and read at the door of the Roman Catholic church in the said city, at the issue of divine service, in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this act, by the registrar of the county of Ottawa; and for all subsequent elections, the said notice shall be signed by the mayor, the secretary or secretary-treasurer of the said council, and shall specify the day, place and hour upon which the said elections are to take place.

When the municipal election shall be held.

Notice thereof.

12. The registrar of the county of Ottawa shall preside at the first election, which shall take place within one month after the approval of this act by the lieutenant-governor of the province of Quebec, in one of the wards of the said city, and he shall appoint deputies to represent him in the four other wards of the said city, which deputies shall take the oath of office either before the said president or before any magistrates or justices of the peace in and for the district of Ottawa, before acting as such, and the said four deputies shall be bound to make returns to said president of the votes given in each of the said wards, as entered in the poll books, within one hour after closing of the poll; and if such deputy or person in any way neglects the duties of his office during or subsequent to the said election, and does not deliver the said poll books within the delay above prescribed, he shall incur a fine of one hundred dollars; and if the said election shall not take place at the time appointed, such election may be had in manner aforesaid in the following month.

Registrar to preside at the first election.

Deputies for four wards.

Their returns.

Penalty.

13. The registrar for the county of Ottawa, may, in case of sickness or of his inability to preside at the said election, appoint a deputy under his hand and seal, and the said deputy shall have his rights and privileges, and shall perform the same duties and be bound under the same penalties as the said registrar in case of refusal or neglect to fulfil his duties in relation to said election.

Registrar may appoint deputy in case of sickness, &c.

Holding the poll.

In what ward electors shall vote.

Closing poll.

Casting vote.

14. The poll for the reception and registration of votes shall be open from nine of the clock in the forenoon until four of the clock in the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election, each elector shall be entitled to vote in each ward in which he is a qualified elector for so many aldermen as by this act are appointed to represent the wards respectively; and one hour after the closing of the poll, the president shall declare the ten persons who shall have obtained the greatest number of votes as aldermen to be duly elected members of the said council; and in case if one or more of the candidates, should have an equal number of votes, he shall give his casting vote in favor of that one or those of the candidates whom he thinks proper, which said casting vote he shall be entitled to give whether or not he is himself qualified to vote.

Dispositions of municipal code applicable.

15. All the dispositions contained in the municipal code of the province of Quebec, concerning the duties of the president at the municipal elections, or for the nomination of candidates to the office of alderman, shall apply to the duties of the president of each and every poll in the said city.

Poll to be closed if no vote be given for one hour.

Proviso:

16. If at any time after the votes have commenced to be polled one hour elapse without any vote being polled in any polling place, it shall be the duty of the person presiding to close the said poll, and make his return to the president of the election within one hour after the closing of such poll, which president of election during the holding of the said polls shall be bound to be at the town-hall of the said city, or at such other place as shall be designated to him by resolution of the council of said city, and shall at such place declare duly elected such candidates as shall be entitled so to be, provided that no person shall have been within the last hour prevented from approaching the poll, by violence, of which notice shall have been given to the person presiding at such poll.

Duration of office of mayor and aldermen.

17. The mayor shall be elected by the aldermen from among themselves at their first or any subsequent meeting, and shall be elected for one year only, and shall remain in office until his successor shall be appointed; the aldermen elected at any of the municipal elections shall remain in office during two years except those who shall have been elected at the first election, of whom five shall retire from office at the expiration of the first year, one for each ward, and it shall be declared by ballot in the manner to be established by the council, which of the aldermen shall thus retire from office at the end of the first year.

18. The mayor shall maintain order and decorum during the sittings of the council; he may cause to be arrested, by any police officer or constable, or other person, any one who may disturb the order of the council during any sitting thereof, and have him, if he see fit, sent to the nearest police station, to be thence brought before the recorder to be dealt with according to law.

Order and decorum.
Power of the mayor.

19. The subsequent elections for the said city shall take place in the same manner and within the same delay as the first, with the exception however, that the said elections instead of being presided over and conducted by the registrar, shall be so by one of the members of the council, who shall not retire from office, and who shall be appointed by the council one month previous to the time fixed for the said election, and the said alderman shall make a proclamation of the person elected in the same manner, at the same hour, and in the same place as the registrar for the first election, and the said alderman, for all purposes relating to elections, shall have the same powers and the same duties as the registrar for the first election.

How subsequent elections shall be conducted.

20. The person who shall preside at an election, shall be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in the justices of the peace, and this, whether the said person presiding do or do not possess the property qualification of a justice of the peace as required by law, and it shall be lawful for the person so presiding to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary, or be required so to do by five electors.

Powers of persons presiding at elections.

21. The person presiding at any such election shall, within two days from the closing of the election, give to each of the aldermen so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the council to take place after their said election, the aldermen so elected, shall enter respectively into office as such, at the first meeting, and shall remain in office until the appointment of their successors.

Notice of first meeting of council.
Entry into office.

22. The person so presiding at any such election shall deliver up immediately to the secretary-treasurer of the city council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll books kept at such election, together with all other papers and documents

Poll books, &c. to be delivered up to the secretary-treasurer, &c.

relating to the said election, certified by himself, to form part of the records of the said council, and copies of the same, certified by the secretary-treasurer, shall be valid in any court of justice.

First sitting;
mayor and
aldermen to
take oath of
office.

23. The first session of the council, after the first election, shall take place within eight days immediately following the said election, and the aldermen elected shall take the following oath, before a justice of the peace, before acting :

The oath.

"I, A. B..... do solemnly swear faithfully to fulfil the duties of a member of the council of the city of Hull, to the best of my judgment and ability : So help me God."

Majority then
present may
act.

24. And the members then present, provided they form a majority of the council, shall be authorised to act as the council.

When the
mayor and
aldermen
elected after
first elections,
shall go into
office.

25. The mayor and aldermen elected subsequently to the first election shall enter office on the day of their nomination, and a meeting of the council shall take place within eight days after, in the same manner as after the first election, and the mayor and aldermen elected, shall take the same oath.

Quorum.

26 Six members of the council shall constitute a quorum.

Cost of elec-
tion.

27 The expenses of every election shall be defrayed out of the funds of the corporation.

Case of the
mayor or alder-
men refusing
to act.

28. In any case in which one of the persons elected shall refuse to act as alderman, or in case his election being contested, shall be declared null, the city council shall fix a day for a new election, public notice of the same shall be given according to clause eleven, and the electors of the city shall proceed to elect a person to replace the said alderman within one month after the said refusal shall have been made known, or that the said election shall have been declared null, and if it be the mayor who shall refuse to accept, or whose election shall have been declared null, the aldermen of the city shall proceed to a new election for such mayor within the said delay, and the said election shall be conducted in the same manner as annual elections.

If the mayor
refuses, &c.

Case of the
absence, death
or incapacity
of mayor or
aldermen.

29. In case of death of the mayor or an alderman, or in case of his absence from the city, or incapacity to act as such, either from infirmity, sickness, or any other cause, during three calendar months, a new election of aldermen shall be had in manner aforesaid, to replace such alderman

so deceased, absent, or rendered incapable, as above mentioned, and in case of the mayor, the aldermen shall proceed to a new election of mayor.

30. Every mayor or alderman so elected to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected, and no longer. Duration of office of the person replacing another.

31. Before any person shall proceed to hold an election in conformity with this act, he shall take the following oath, before the city treasurer, or in the event of his absence, before any justice of the peace, residing in the said city, who are hereby authorised to administer, that is to say : Oath of the presiding officer at election.

“ I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of presiding officer, at the election which I am about to hold for persons to serve as members of the city council of Hull : So help me God.” The oath.

32. The officer presiding at any election under this act shall have authority, and he is hereby required, at the request of any persons qualified to vote, at such election, to put the oath following, (or affirmation when the party is allowed by law to affirm,) to any candidates for the office of member for the said city council, respecting his qualification to be elected to the said office ; and shall also have authority, and he is hereby required upon such request as aforesaid, to examine upon oath (or affirmation,) any person tendering his vote at any election ; and the oath to be administered by the presiding officer in both cases, shall be the following : The presiding officer shall have the right to examine the candidate under oath if required.

“ I swear that I possess the qualification to be elected member of the city council, (or to vote at this election, as the case may be) : So help me God.” The oath.

33. And any person who shall wilfully for-swear himself, or falsely affirm, shall incur a penalty of not more than two hundred dollars. False swearing.

The said city council shall meet at least once in each month, for the transaction of the business of the said city, and shall hold their sittings in the town-hall, or in any place in the said city which shall have been set apart for the purpose, either temporarily or permanently ; provided always, that four members, after one hour elapses from the time fixed for the meeting, may adjourn any meeting of the council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members, at the regular or adjourned meetings as Time and place of meeting of the council. Adjournments and penalties for non-attendance.

aforesaid, and such absent members shall incur such penalty as may be provided by any by-laws of the said city council for that purpose.

Special meetings, how and by whom called.

34. It shall be lawful for the mayor of the said city, whenever he shall deem it necessary or useful, to call special meetings of the said council; and whenever four members shall be desirous of obtaining such special meeting, they shall apply to the mayor to call such meeting, and in the absence of the mayor, or on his refusal to act, they may call such meeting themselves on stating in writing, to the secretary-treasurer of the said council, their object in calling such special meeting, and the day on which they are desirous that it shall be held, and the said secretary-treasurer shall, upon receipt of such written notification, call in writing, a meeting of the said council, by notice to each alderman.

Decision of contested election by the superior court.

35. If the election of all, or of one or more of the aldermen be contested, such contestation shall be decided by a judge of the superior court, sitting in the district of Ottawa, in term or in vacation.

Who may contest.

36. Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said city.

And how.

37. The said contestation shall be brought before the judge, by a petition, signed by the petitioner or petitioners, or by any authority duly authorized, setting forth in a clear manner the grounds of such contestation; a true copy of the petition, with a notice stating the day on which the said petition will be presented to the court, shall be first duly served to the mayor, alderman or aldermen, whose election is contested, at least eight clear days before the day on which the said petition shall be presented to court; and a return of the service shall be drawn up and signed in due form upon the original of the said petition, by the bailiff who shall have made such service, but no such petition shall be received after thirty days following the election thereby contested; nor shall any such petition be received, unless security for costs be given by the petitioners, in the presence of a judge of the superior court, or the prothonotary of the superior court; if the judge is of opinion that the grounds set forth in the petition are sufficient in law to void the said election, he shall order proof to be adduced, if proof be necessary and the parties interested to be heard, on the nearest day which he shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation; the evidence may be taken down in writing, or given orally in

Form of proceedings.

Time for contesting limited.

If the judge thinks the grounds alleged are sufficient.

whole or in part, as the judge shall order, the judge may, on such contestation, confirm the election, or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case, award costs to or against either party, which costs shall be taxed and recovered in the same manner, and the same means, as costs are taxed and recovered in actions of the first class; and the judge may order his judgment to be served upon the secretary-treasurer of the council at the expense of the party condemned to payment of costs as aforesaid; if any defects or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the judge may admit or object to the same according as such defect or irregularity may or may not have materially affected the election.

What shall be declared by the judgment.

Costs.

Discretion of the judge in case of irregularities.

38. In case that it shall at any time happen that an annual municipal election shall not be held, for any reason whatsoever, on the day when, in pursuance of this act, it ought to have been held, the said city council shall not for that case be deemed to be dissolved, and it shall be the duty of such members of the council aforesaid, as shall not have retired from office, to meet again for the purpose of fixing as early as possible a day for the holding of such annual municipal election, and for the appointment of the president of the election, and if within fifteen days after the day on which such election ought to have been held the members of the said council shall have neglected to appoint the day for such election, and appoint such president, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the registrar.

Council is not dissolved for default of election.

A day shall be fixed for the holding of it.

Penalty for neglecting to fix it.

39. The following persons shall be held to be guilty of bribery, and liable to the penalty hereinafter imposed for such offence.

Bribery at elections.

40. Any elector who will at any time, before, during or after any municipal election in the said city, ask or take any money or reward, by way of gift, loan or other device, or agree or contract for any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote at any such election; or any candidate at any such election, or any other person who by himself or by any one employed by him, shall, by any gift, reward, promise, agreement or security, corrupt or offer to corrupt any elector to give or forbear to give his vote at any such election.

What constitutes a case of bribery.

41. Any elector who, by way of gift, loan, reward, promise or other device, shall procure or undertake, or en

Idem.

deavor to procure the return of any candidate at any municipal election in the said city.

Idem.

42. Any person who shall receive any money, gift, reward or promise by way of carriage hire, or for loss of time, in giving his vote, or who shall accept an exorbitant price for any merchantable article or consideration for his vote, or for abstaining to vote at any municipal election in the said city.

Idem.

43. Any candidate or other person who shall engage or hire any licensed carter for the purpose of carrying voters to the polls ; or any licensed carter who, for money, or for any gift, reward, promise, or other device, shall let his carriage, sleigh or other vehicle, to any candidate or other person for the purpose of carrying voters to the polls at any such election.

Penalty.

44. Any person offending against any of the provisions of the next preceding section, shall, for every such offence, incur a fine of fifty dollars, to be recovered with full costs of suit, by any one who shall sue for the same in the recorder's court, or before the district magistrate for the district of Ottawa ; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for three years forfeit his right to vote at any municipal election in the said city, or to be elected mayor or alderman of the said city for a term of three years.

Disqualification for three years.

Votes corrupted, nullified.

45. All votes given in violation of any of the foregoing provisions, shall be null and void.

Taverns to be closed during the voting.

46. Every inn or tavern licensed for the sale of spirituous or fermented liquors, in the ward or wards of the said city, in which an election is held as aforesaid, shall be closed during the time the polls are kept open, under a penalty of one hundred dollars against the keeper of such tavern, if he neglects to close it, and under a like penalty if he sells or give any spirituous or fermented liquors, or drinks as aforesaid, pending such election.

Penalty.

Punishment against disorders at the sittings of the council.

47. The said council shall have power to make a by-law to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed but may be less than forty dollars currency, any alderman who may be guilty of disturbances or violence during its sittings, either by action, by word or any other manner whatsoever.

Meetings to be public.

48. All meetings of the said council shall be public excepting when the said council shall inquire into the

conduct of any members of their own body for any cause whatsoever, or when they shall have to open tenders asked for any public work whatsoever, in which cases it shall be lawful for the said council to sit with closed doors; and the said council shall have power, by by-laws, to determine the mode of their proceedings and the order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one of the two, any act of contempt committed by any such persons present; provided always, that no such fine shall exceed the sum of twenty dollars currency, costs not included, and that no such imprisonment shall exceed the period of fifteen days.

Exception.

Certain other powers of council.

Contempts.

Proviso:

49. The sheriff and gaoler of the district of Ottawa shall be bound, and they are hereby authorized and required and ordered to receive and safely keep until duly discharged, all persons committed to their charge by the said city council, or by any member or officer thereof, under its authority.

Powers and duties of the sheriff and gaoler.

50. The mayor of the said city, if he is present, shall preside at the meeting of the council, shall maintain order thereat, and shall have a right to express his opinion and to vote as an alderman on all questions which shall be brought before the said council;

Mayor to preside at council meetings, and to have casting, but neither he nor the aldermen to have any pay for such.

Provided always, that when the said aldermen, after having voted on any question shall be found to be equally divided, then, and in that case only, the mayor shall decide the question by a second vote, giving his reasons for it, if he thinks proper; and the aldermen shall not receive any salary or emoluments from the funds of the city during the time they shall remain in office; provided also, that whenever the mayor shall not be present at any regular or special meeting of the said city council, the aldermen present shall choose one of their number to fill the place of the mayor during the sitting.

If the mayor be absent.

51. The council, at its first general meeting, or at a special meeting held within the fifteen days which shall follow the first day of such general meeting, shall appoint an officer who shall be called the secretary-treasurer of the city of Hull.

Appointment of the secretary-treasurer.

52. The secretary-treasurer shall be the custodian of all books, registers, valuation rolls, collection rolls, reports, *procès verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the council; he shall attend all sessions, and shall enter, in a register kept for the purpose, all the proceedings of the council, and he shall allow persons interested therein to inspect the same at all reasonable hours: and every copy or extract of or

Duties of the secretary-treasurer.

His certificate to make certain documents authentic. from any such book, register, valuation roll, collection roll, report, *procès verbaux*, plan, map, record, document or paper certified by such secretary-treasurer, under the seal of the said corporation, shall be deemed authentic.

Security to be given by him. **53.** Every person appointed secretary-treasurer shall, before acting as such, give the security hereinafter mentioned.

Sureties. **54.** He shall furnish two sureties, whose names shall be approved by a resolution of the council, before they shall be admitted as such; all such sureties shall be jointly and severally bound together with the secretary-treasurer and their obligation shall extend to the payment of all sums of money for which the secretary-treasurer may at any time be accountable to the corporation including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office.

Mode of making it. **55.** Every such security bond shall be made by an act before a notary and accepted by the mayor, and it shall be the duty of the secretary-treasurer to transmit a copy of the same.

Enregistration. **56.** Every such security bond, when duly registered in the registry office for the county of Ottawa, shall carry with it a hypothec (*hypothèques*) only on such immovable property as shall have been therein designated, and it shall be the duty of the chief officer of the council to cause it to be registered immediately on receipt thereof.

Sec.-treasurer shall collect sums due to and pay those due by the corporation. **57.** The secretary-treasurer shall receive all moneys due and payable to the corporation, and he shall pay, on a written order of the mayor, all sums due by the corporation not exceeding ten dollars, and on a resolution of the council all sums exceeding such amount.

He shall keep books of account. **58.** He shall keep, in a manner which shall be prescribed from time to time by the council, books of account; and he shall keep in his office the vouchers for all expenditure.

He shall render account of receipts and expenditure. **59.** The secretary-treasurer shall render to the council every six months, that is to say, in the months of June and December in each year, or oftener if required by such council, a detailed account of his receipts and expenditure, attested by him under oath.

His books to be open to inspection. The secretary-treasurer's books of account and vouchers shall, at all reasonable hours of the day, be open for inspection, as well to the council as to each of the members thereof, and to the municipal officers by them appointed, and to all persons interested therein.

60. The secretary-treasurer, or any other person who shall have filled the said office, may be sued by the mayor in the name of the corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in such action he may be condemned to pay damages and interest for having failed to render such account; and if he renders an account, he shall be condemned to pay such sum as he shall acknowledge, or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the court shall think, he ought to be held accountable for; and every judgment pronounced in any such suit, shall include interest at ten per centum on the amount thereof by way of damages, together with the costs of suit.

He may be sued for rendering account.

61. The council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this act, or of any by-law or regulation of such council.

Power of council to appoint officers.

62. Every municipal officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, or to the secretary-treasurer, if he be then elected or appointed, or if not then, within eight days after the election or appointment of such secretary-treasurer, or within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such officer.

Officers retiring; their duties.

63. If any such officer die or absent himself from the city without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor, or to the secretary-treasurer, within one month from his death, or from his departure from the city.

Duties of their representatives.

64. And in every such case the corporation shall, besides all other legal remedies, have a right of action before any court of justice, either by *saisie revendication* or otherwise, to recover from such officer, or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books, or insignia, together with costs and damages in favor of the corporation; and every judgment rendered in every such action, may be enforced by *contrainte par corps* against the person condemned, whenever the said *contrainte* is demanded by the declaration.

Corporation to have right of action.

Contrainte par corps.

65. The said city council shall have power, whenever they may deem it advisable, to appoint assessors or valua-

Assessors to be appointed; their duties.

tors of property, and it shall be the duty of the assessors to estimate the saleable property in the said city according to its real value, and in the manner and within the periods which shall be fixed by the said city council.

Assessors to
take oath.

66. Every person so appointed assessor shall be bound, before proceeding to the valuation of any property in the said city, to take the following oath before the mayor of the said city, or, in his absence, before an alderman, to wit :

The oath.

" I, , having been appointed one of the
" assessors of the city of Hull, do solemnly swear, that I
" will diligently and honestly discharge the duties of that
" office, to the best of my judgment and ability : So help
" me God."

Qualification of
assessors.

67. The assessors who shall be appointed for the said city shall be proprietors of real estate in the said city, of the value of at least four hundred dollars.

Notice of the
deposit of as-
sessment roll.

68. When the assessors shall have made a valuation of all the rateable property of the said city, they shall deposit the assessment roll with the secretary-treasurer of the said city, and notice of such deposit shall be given by the secretary-treasurer in the same manner as notice for an election of aldermen, and at the next issuing meeting of the said council, the said assessment roll shall be produced, and if they desire it examined by the aldermen, and the assessment roll shall be deposited in the office of the secretary-treasurer for the period of one month, dating from such meeting, and during that period it shall remain open to the inspection of all persons whose property shall have been valued or their representatives, and during that

Deposit of the
roll during a
month.

Complaints.

period, persons considering themselves aggrieved may give notice in writing to the secretary-treasurer of their intention to appeal to the said city council, complaining of any excessive valuation, and such appeal shall be tried by the said council, at the first meeting which shall be held after the expiration of the month above mentioned, and the said council, after having heard the parties and their witnesses under oath, which shall be administered by the mayor or presiding alderman, shall confirm or alter the valuation roll, the change whereof shall have been prayed for as to them shall seem just, and at the same meeting the said assessment roll shall be declared closed for one year, unless however, from the numbers of appeals, the council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined ; and provided also,

Judgment of
the council.

Roll declared
closed for one
year.

Omissions.

that if any omission shall have been made in the said assessment roll, the said council may order the assessors to

value any property so omitted, in order to its being added to the roll.

69. The assessors for the time being, shall have the Right of assessors to be heard. right to be heard, if they desire, to explain the reasons and the motions which may have guided them in the valuation of the properties against which claims shall have been made as aforesaid.

70. The said council shall at all events proceed to the Revision of the roll. revision, amendment, if such be required, and homologation of the valuation roll of the said city, whether the same be demanded or not, at its said session next following the expiration of the said thirty days above mentioned, and they Defects rectified. shall have the right to rectify all involuntary defects in the wording of the same roll.

71. At the first meeting after each annual municipal election, two persons shall be appointed by the said city Two auditors of accounts to be appointed and sworn. council; and such auditors shall take the following oath before the mayor or any one of the justices of the peace, of the district of Ottawa, that is to say:

"I, The oath. having been appointed to the office of auditor of the city of Hull, do hereby swear that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do declare that I have not, directly or indirectly, any share or interest whatsoever in any contract or employment with, by, or on behalf of the city council of the said city of Hull: So help me God."

72. It shall be the duty of the auditors to Duty of auditors. examine and report upon all accounts which may be entered in the books of the said council, or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said city council; and to Publication of the statement. publish a detailed statement of the receipts and expenditure, and of the revenues of the said council, in two newspapers, one in English and the other in the French language, published or circulated in the said city, at least fifteen days before the annual municipal elections.

73. Neither the mayor, aldermen, secretary-treasurer of the said city, nor any person receiving any salary from the Certain persons disqualified as auditors. said council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of auditor for the said city.

74. The mayor of the said city shall, during the period of his office, be a justice of the peace; provided always, that Mayor to be justice of the peace.

he shall not be bound to take any other oath than his official one, to qualify him to act as such; any law to the contrary notwithstanding.

In what case
aldermen shall
be disqualified.

75. Every person holding the office of alderman of the said city, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of the insolvent debtors, or who shall enter into holy orders, or become a minister of religion, in any religious denomination, or who shall be appointed a judge, or who shall become responsible for the revenues of the city, in whole or in part, or who shall absent himself from the said city without the permission of the said council, for more than two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said council shall become vacant, and such person shall be replaced in accordance with the provisions of this act; provided always, that the word "judge," employed in any part of this act, shall not apply to a justice of the peace or commissioner of small causes.

Vacancies.

The council
shall appropriate a certain
sum every
year.

76. Every year, on or before the first day of May, the said council shall make an appropriation of the amounts necessary to meet the expenses of the current year by providing:

1. For the payment of the interest, and sums required for the sinking fund, on the debt due by the said city;
2. For the general and ordinary expenses of the city;
3. For the sums required for contemplated improvements;
4. For a reserve of not less than five per cent to be used exclusively to meet unforeseen expenditure.

Limit of appropriations.

77. Such appropriations shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended.

Expenses
limited.

78. It shall not be lawful for the said council, to expend beyond the amount so appropriated, except in cases and under the conditions hereinafter set forth; but the council may at any time vary the application of the sums so appropriated.

Liability of
members voting
for any
excess.

79. Any member of the council, who shall have sanctioned the expenditure of any sum of money beyond the amounts so appropriated, and the amounts at the disposal

of the council, in conformity with the foregoing sections, shall be personally responsible therefore.

80. In cases of urgent necessity, the said council may, by a majority of its members, pass a by-law to make any appropriation they may think necessary, beyond the amounts at their disposal; provided, that by such by-law an additional assessment shall be imposed, payable during the course of the year in which such by-law is passed, and sufficient to cover the amount so appropriated, which assessment shall be imposed on all real estate in the said city, and may be recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act.

In case of urgent necessity, extra appropriation may be made.

81. For all the purposes relative to the distribution and apportionment of school moneys and for all other purposes of this act, where it is not repugnant to the other provisions thereof, the city of Hull shall be considered as one municipality; and it shall not be necessary to divide them into school districts, but each school established by the commissioners or put under their control by virtue of and in accordance with this act, shall be considered as a school district, and may be attended by children from any part of the city.

City of Hull considered as one municipality for school purposes.

82. So much of the act 32 Vic. cap. 16, intituled: "an act to amend the law respecting education in this province," as relates to the corporations of the cities of Quebec and Montreal, shall have full force and effect in the city of Hull, and shall be held to be part and parcel of this act, more especially that part of the above recited act, under section number twenty-nine, to wit: "the said statement shall be divided into four distinct panels;

32 Vict., c. 16, shall apply to the city for that end.

" 1. Panel number one shall consist of the real estate belonging exclusively to Roman Catholic proprietors;

Panels

" 2. Panel number two shall consist of the real estate belonging exclusively to Protestants;

" 3. Panel number three shall consist of the real estate belonging to corporations, or incorporated companies, and subject to taxation under this act, or to persons not belonging to the Roman Catholic or Protestant faith, or whose religious faith shall not have been ascertained, or belonging partly or jointly to persons belonging, some to the Roman Catholic and others to the Protestant religion, or to persons who shall have declared in writing their desire of having their property inscribed on said panel, or to firms of commercial partnerships who shall not have declared through their agent, or one of their number, their desire of being placed on the first or on the second panel;

" 4. Panel number four shall consist of the real estate exempted from taxation ;

" 5. Properties possessed for purposes of revenue by religious, charitable or educational institutions, or corporations, shall be inscribed upon list number one, or list number two, according to the religious denomination to which such institutions or corporations shall belong, or in accordance with the declarations made by each of them to that effect, and if the religious denomination is not apparent, and if no such declaration has been made, they shall be placed upon list number three."

Duties of the societies to pay certain sums for the common schools.

83. In the city of Hull, no rate shall be imposed for the purposes of common schools, but the city treasurer of the said city of Hull shall, out of the moneys in his hands forming part of the funds of the corporation of such city, from whatever source such moneys are derived (all laws or rules or by-laws of the council of such corporation to the contrary notwithstanding), pay to the respective boards of school commissioners of such city, and in such proportions as contained in sub-sections 1 and 2 of section 33 of the said act, 32 Vict., cap. 16, a sum equal in amount to that apportioned to such city out of the common school funds, to be employed for the purposes of the common schools, under the direction of such boards of school commissioners respectively ; and if the treasurer refuses to make such payment, the board of commissioners, or their secretary, may recover the amount by action in the superior court, who shall order such treasurer to pay the amount awarded by their judgment, principal, interest and costs, out of the moneys he may then have in or that may thereafter come into his hands as such treasurer ; and shall compel him, by all legal means, even by *contrainte par corps*, to satisfy such judgment.

Recovery of it in case the city treasurer refuses to pay.

Power to pay an additional amount for unforeseen expenditure.

84. The corporation of the city of Hull may pay out of their funds an additional sum equal to that which they are authorized to pay to the boards of school commissioners, and also an additional sum of thirty per cent to make good any unforeseen or contingent expenditure.

Intercourse of the commissioners with superint. of education.

85. The school commissioners for the city of Hull shall, in their intercourse with the superintendent of education, be guided by the same rules and regulations as the school commissioners for the cities of Quebec and Montreal.

City council may make by-laws for certain purposes.

86. It shall be lawful for the said city council, from time to time, to make such by-laws as may seem to them necessary or expedient, for the internal government of the city, for the improvement of the place, for the maintenance of the peace and good order, and for the good repair, cleaning

of the streets, public squares, and vacant and unoccupied lots, for the prevention or suppression of all nuisance whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with or affecting the internal management or government of the said city.

87. It shall be lawful for the said city council to ap-^{May appoint and remove officers, &c.} point, remove and replace, when they shall think proper, all such officers, constables and policemen, as they shall deem necessary for the due execution of the by-laws then in force, or to be by them enacted thereafter, and to require from all persons employed by them, in any quality what-^{Security.} soever, such security as to them shall seem meet to ensure the due execution of their duties.

88. In order to raise the necessary funds to meet the^{Council may levy taxes.} expenses of the said city council, and to provide for the several necessary public improvements in the said city, the said city council shall be authorised to levy annually on persons, and on movable and immovable property in the said city, the taxes hereinafter designated, that is to say :

1. On all lands, city lots, and parts of city lots, whether^{Upon real property.} there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one fourth of a cent in the dollar on their whole value, as entered on the assessment roll of the said city ;

2. On all tenants paying rent in the said city, an annual^{On tenants.} sum equivalent to two cents in the dollar, on the amount of their rent ;

3. On the following immovable property kept within^{On certain personal property.} the limits of the said city, viz :

4. On every covered carriage, with four wheels, and two seats, two dollars ;

5. Every open carriage, with four wheels and two seats, two dollars ;

6. Every curricule or light waggon, with one seat, fifty cents ;

7. Every two horses sleigh, one dollar ;

8. Every one horse sleigh, carriage or calèche, fifty cents ;
provided always, that every winter or summer vehicle^{Certain personal properties exempted.} used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as farm stock and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

9. On all stocks in trade or goods, kept by merchants or^{Upon merchandise.} traders, and exposed for sale on shelves in shops, or kept in store-house, a tax of one quarter of one cent, on the estimated average value of such stocks in trade ;

- Personal tax.** 10. On each male inhabitant of the age of twenty-one years, who shall have resided in the said city for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;
- Dogs.** 11. On every dog kept by persons residing in the said city, an annual sum of fifty cents ; provided always, that there shall be no tax paid for dogs kept by farmers on their farms ;
- Proviso :**
- On certain professions, trades, &c.** 12. And it shall be lawful for the said city council to fix, by a by-law or by-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of
- Taverns, &c.** 13. Houses of public entertainment, taverns, coffee-houses and eating-houses, and on retailers of spirituous liquors ;
- Pedlers.** 14. And on pedlers and itinerant traders, selling in the said city, articles of commerce of any kind whatsoever ;
- Theatres, circuses, games, &c.** 15. And on all proprietors, possessors, agents, managers and keepers of theatres, circuses, billiard rooms, ten-pin alleys, or other places for games and amusements of any kind whatsoever ;
- Auctioneers and other traders.** 16. And on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers, brewers, and distillers ; and on all merchants and manufacturers and their agents ; and on all proprietors or keepers of wood yards or coal yards, and slaughter-houses, with said power ; and on
- Wood yards.** all money changers or exchange brokers, pawn-brokers and
- Brokers, &c.** their agents ;
- Bankers.** 17. On all bankers and banks, and their agents ;
- Insurance companies. All callings whatever, &c.** 18. And on all insurance companies or their agents ; and generally on all commerce, manufacturers, callings, arts, trades and professions which have been, or which may be exercised in or introduced into the said city, whether the same be or be not mentioned here ;
- Workmen to be divided in classes.** 19. And the workmen of all mechanical arts and trades exercised in the said city, shall be divided into first and second classes, by the person appointed by the said city or council, to make the roll of movable property, and shall be assessed at one dollar per annum, for those of the first class, and at twenty-five cents for those of the second class ;
- Lawyers, doctors, &c.** 20. And every person in the said city, practising the profession of a lawyer, or of a physician, or of land-surveyor, or any other liberal profession, shall be assessed at the sum of three dollars annually ; and the said city council may name a person or persons to make a roll of the persons and movable property mentioned in the different parts of this section ; and the said council shall also have the power to
- Roll to be made.** levy a special tax on the said city for the construction, maintenance and repair of the streets and foot-paths of the
- Special tax for streets, &c.** said city.

89. The council shall be bound, upon a petition of a majority of the proprietors of real estate of any ward, appearing upon the assessment roll; praying for any amelioration or work within the said ward, to impose a special tax, not exceeding one cent in the dollar, in each year, on the annual assessed value of real property in such ward, for such amelioration or work; which tax may be levied and collected in the same manner, as the other taxes of the said city, and shall form a special fund in the hands of the treasurer, to be applied for the said amelioration or work.

90. The said council shall also have power to make by-laws:

1. For determining and regulating the duties of the clerks of the markets in the said city and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said council, and on the payment of such fees as the said council may think fit to impose on that behalf on any thing or things sold or offered for sale on the said markets;

2. For regulating and placing all vehicles in which any articles shall be exposed for sale on the said market;

3. For preventing persons bringing provisions of any kind into the said city from selling or exposing them for sale in any other place than the markets of the said city;

4. For amending, modifying or repealing all by-laws made by the municipal council who have had the management of the internal affairs of the said city.

91. And the said council of the city of Hull shall also have the power to make such by-laws as they may deem expedient in relation to the ferries between the said city of Hull and the city of Ottawa and the township of Templeton, and to impose penalties upon all persons or ferry-men refusing or neglecting to conform to such by-laws, and to regulate the manner and before whom the same shall be recovered, and such penalties shall belong to the said city of Hull.

And by and with the consent of the mayor, aldermen, and citizens of Ottawa, P. O., and of the said township of Templeton;

Proviso :

Provided always, that the said mayor, aldermen and citizens only shall have the right to grant licenses to keep such ferry, which licenses shall not exceed a period of ten years, and the revenue from which licenses shall be equally divided between both corporations :

Lots and streets.

1. For determining and regulating the manner in which lots shall be divided off and new streets opened, and those now existing changed and re-opened ;

Market places.

2. For establishing one or more market places, of such extent and in such manner as they may think proper, subject however to the payment of all damages which may be sustained by individuals, by the establishment, enlargement or any other alteration of such market places at the expenses of their respective lands.

Obstructions.

3. And for obliging all persons to observe in the above matters the by-laws which the said council shall hereafter deem useful to establish for preventing obstruction of any nature whatsoever in streets ;

Sales in public highways.

4. For preventing the sale in any public high-way of any wares or merchandize whatsoever ;

Sale of intoxicating liquors.

5. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquors, or for authorising such sale, subject to such restrictions as they deem expedient ;

Licenses.

6. For the determining under what restrictions and conditions the revenue inspector of the district of Ottawa shall grant licenses to merchants, traders, shop-keepers, tavern-keepers and other persons to sell such liquors ;

Sum payable for licenses.

7. For fixing the sum payable for every such license, provided that in any case it shall not be less than the sum which is now payable therefore, by virtue of the laws at present in force ;

Regulations of shop-keepers.

8. For regulating and governing all shop-keepers, tavern-keepers and other persons selling such liquors by retail, and in what place such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;

Sale of liquors to children, apprentices, &c.
Driving of vehicles.

9. For preventing the sale of intoxicating beverages to any child, apprentice or servant ;

10. For preventing the driving of vehicles at an immoderate pace in the said city, or riding on horse-back on the sidewalks of the said city, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively, in order to oblige them to draw burdens of too great a weight ;

Bread.

11. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said city ;

Masters and servants.

12. For regulating the conduct and certain duties of apprentices, domestics, hired servants, or journeymen in the said city, and also certain duties and obligations of masters

or mistresses towards such servants, apprentices and journeymen ;

13. To prevent the keeping of gaming-houses, places of Gaming gambling or any description of houses of ill-fame in the houses, &c. said city ;

14. To establish as many public pounds as the said Public pounds. council shall deem expedient to open for the impounding of animals of any species which may be running at large in the said city ; and to

15. For regulating, arming, lodging, clothing, and paying Police. a police force in the said city, and for determining their duties ;

16. To regulate and fix the places in which burials shall Burials. be allowed within the said city, for compelling the exhuming of all bodies which shall be buried in contravention of this provision ; provided always, that this paragraph shall Provide : not be deemed to extend, to prevent interments within the churches in the said city ;

17. For preventing persons from bathing and cleansing Bathing in themselves in open air and in the sight of the public ; open air.

18. For establishing within the said city one or more Police stations. houses of confinement, police stations or other houses of confinement, for the safe keeping of any persons arrested for any infringement to law or to any by-law of the said council, until they may be brought before the mayor, or any alderman or justice of the peace for the district, or conveyed to gaol, if there be reason to, after their conviction ;

19. For preventing or regulating the building of slaughter Slaughter houses, houses, which may become public nuisances, or causing such slaughter houses, already existing in the said city, to be removed.

22. The said council may, at any time, by mutual Agreement with manuf- consent, agree with any person or company having estab- turing compa- lished, or intending to establish any manufactory or nies for com- manufacturing concern, for the payment of a certain annual sum, during a period not exceeding ten years, as a commu- mutation of taxes. tation for any assessment on all the properties occupied for the use of such manufactory, as well as on the said manu- factory ; and may also, with a view of encouraging such Exemption. manufactory or manufacturing concern dispense such property or manufactory from paying any assessment during a period not exceeding ten years.

23. Whenever the said city council shall contract loans Duties to pro- upon the credit of the said city, they shall be bound and vide for the they are hereby required immediately for the payment of payment of in- the annual interest upon such loans, which annual interest terest. shall not in any case exceed the legal rate of interest in this

province, and the said council shall set aside a portion of their revenues for the payment of such interests, and the said council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a sinking fund, which shall consist of a deposit made in the hands of the treasurer of the province, annually, at the periods when the interests on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the sinking fund shall remain deposited in the hands of the said treasurer of the province, with the interests which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; provided always, that when the interest and sinking fund united shall absorb one half of the annual revenues of the said council, then, and in such case, it shall not be lawful for the said council to contract new loans, it being hereby intended that the said council shall not be entitled to devote to the interest and sinking fund of their loans, any sum exceeding half of their revenues; and provided also, that it shall be lawful for the said council, if the lenders consent or require it, to deposit in the hands of the said treasurer, the annual sums which shall have been agreed upon to form the sinking fund, in which case the receipts given to the said council shall be so drawn up as to define what amount shall have been given for interest, and what amount shall have been paid into the sinking fund.

Power to issue debentures.

Coupons.

94. It shall be lawful for the said city council to contract loans by issuing bonds or debentures signed by the mayor, countersigned by the secretary, and sealed with the seal of the city council; such loans made payable to the bearer thereof at such periods as the said council may think proper to fix, and such bonds or debentures shall bear interest, payable semi-annually on the first days of May and November in each year, and at a rate not exceeding the legal rate of interest in the province; coupons for the amount of the semi-annual interest thereon may be annexed to all such bonds or debentures, which coupons, being signed by the mayor, and countersigned by the secretary-treasurer, shall be payable respectively to the holder thereof when and immediately after the semi-annual interest therein mentioned shall become due, and upon payment of the same, shall be delivered to the said secretary-treasurer; and the possession of any such coupon shall be *prima facie* evidence that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or bond; and all such debentures and bonds together with the principal and interest thereon, shall be secured upon the general funds of the said city.

95. Whenever the interest and sinking fund of the loan or loans made by the said city council, shall absorb one-third of the revenues of the said city, the said city council shall, in no case, contract new loans without having obtained the approbation of two-thirds of the majority in number and in value of assessed real property, of the owners and electors of the said city on every by-law authorizing any of those loans, within thirty days after its passing by the council, such approbation to be expressed in a public meeting presided over by the mayor, or, in his absence, by the pro-mayor, the secretary-treasurer acting as secretary, and duly called by notices signed by the mayor or by the secretary-treasurer, published and posted up in the manner prescribed for the publication and posting up of the public notice required by the provisions of this act, for the publication of by-laws; provided always, that six qualified municipal electors present at the said meeting, may demand a poll to establish such majority; and a poll shall be granted by the mayor, or, in his absence, by the pro-mayor, on being so demanded, and shall be held within four days next after such meeting, the secretary-treasurer acting as poll-clerk under the direction of the mayor, or of the pro-mayor, as the case may be; each elector shall then present himself in turn, and shall give his vote by "yea" or "nay," the word "nay" signifying that he disapproves of the by-law authorizing the loan; but no person's vote shall be received unless the name of such person be inscribed on the municipal voter's list then in force, if such list exist, and if there be no such list, no person shall be entitled to vote unless it appears, by the valuation roll then in force in the said city, that he is duly qualified to vote as municipal elector as aforesaid, and unless he has paid all his municipal or scholar taxes at least three clear days before the first day of such voting; provided always, that such poll shall be held on two consecutive days, not being holidays, from ten o'clock in the morning until four o'clock in the afternoon, and at the close of the poll, the mayor or pro-mayor, as the case may be, shall count the "yeas" and the "nays," and within four days thereafter, he shall lay before the city council, a statement shewing the value of the real property of each of the voters, according to the valuation roll then in force, and shall certify, for the information of the city council, whether the majority in number and in value of assessed real property of the electors of the city approve or disapprove of the said loan, and this certificate shall be countersigned by the secretary-treasurer of the city, and preserved by him with the poll list and the aforesaid statement among the archives of his office, and if the said by-law is approved of as afore-

Power of borrowing limited:

Approval of the proprietors, &c., required in certain cases.

Poll.

Mode of voting

Right to vote.

Time and hour of voting.
Close of the poll.

Statement of property.

Certificate.

Loans for speculation.

said, then the said city council may contract the loan ; provided always, that the said city council, shall not, in any case, have the power to contract loans, by debentures or otherwise, or to dispose of any funds they may have in their possession to take shares in or to come in aid to any railway or others, for the purpose of speculation, or for the purpose of favouring, but indirectly, the said city, unless they shall be thereto authorized by a by-law or by-laws approved of in the manner hereinabove prescribed by the electors, proprietors in the said city.

Power to make by-laws.

96. The said city council shall also have full power and authority to make by-laws :

Confiscation of bread.

1. For regulating seizure, forfeiture and confiscation, and also the mode of disposing, after confiscation, of all bread offered for sale in contravention of the said regulations, or bread that may be too light or unwholesome ; and to this end to authorize officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest and safety, for the attainment of such object, or for causing such regulations to be enforced ;

Water-courses.

2. For regulating and settling the direction of water-courses, running from neighbouring municipalities through the said city, and for compelling interested parties, without the limits of the municipality, to work at the clearing of said water-courses, and to contribute to the cost of the necessary bridges to cover the same.

Consolidated municipal act shall apply.

97. In relation to the powers conferred upon the said corporation, as to water-courses coming from another municipality, the provisions contained in the Lower Canada consolidated municipal act, and the acts amending the same, respecting the works to be performed by two distinct municipalities, shall be incorporated with this act as forming part thereof.

Fences.

98. To compel all proprietors of all land and real property within the said city, their agents or representatives to enclose the same ; and to regulate the height, description and material of any such enclosure, and to make foot-ways, if the council should think fit to do so.

Side-walks.

Drainage.

99. To compel the proprietors or occupants of lots of lands in the said city, to drain or raise such lands, so that the neighbours may not be incommoded, nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no repre-

sentative or agent in the said city, it shall be lawful for the said council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed; and the said council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same; and in every case the sum expended by the said council, in improving such lands, shall remain as a special hypothec on such land, subject to registration.

Expenses made by the council.

100. To oblige all proprietors or occupants of houses in the said city, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other articles whatsoever.

Encroachments on the streets.

101. To cause to be pulled down, demolished and removed, when necessary, all old and dilapidated walls, chimneys and buildings of any description, that may be in a state of ruin, and to cause to be removed from the streets all sheds, stables, and other out-buildings erected on the level of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne.

Old buildings dilapidated or encroaching.

102. For the regulating the width of streets to be opened hereafter in the said city, for the regulating and altering hereafter in the said city, the height or the level of any street or side-walk in the said city; provided that if any person suffer real damage by the widening, lengthening or altering the level of any street in the said city, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it.

Width, &c., of streets and side-walks.

Damages.

103. For defraying out of the funds of the said city, the expenses of furnishing the citizens with water, and of lighting the city with gas, or in any other manner, and for obliging the proprietors of real property in the said city, to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed upon their premises; provided always, that in all such cases, the expenses of all such pipes, lamps and other necessary works shall be defrayed by the said council; and provided also, that the solidity of the said buildings, on and near to which they shall be placed, shall be in nowise affected, and that any damage that may be caused, shall be paid by the said council; provided always, that no tax shall be levied for such purpose, unless the

Water and gas.

Costs of the work.

Damages.

Proviso:

pipes of the said works shall in case of water come within three hundred yards, and in case of gas within two hundred yards of the property or dwelling liable for taxes or rates for water or gas.

Tax for common sewers.

104. For assessing the proprietors of all real property situated in any of the streets of the said city, for such sum as shall be deemed necessary, for making or repairing any common sewer, in any of the streets of the said city, such assessment being in proportion to the assessed value of such property, and for regulating the mode in which such assessment shall be collected and paid.

Sweeping and watering the streets.

105. For assessing, at the request of the majority of the citizens residing in any of the streets or public squares of the said city, all the citizens residing in such street or public square, in any sum necessary to meet the expenses of sweeping, watering, and keeping clean such street or public square, and for removing the snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property.

Damage from riots and tumults.

106. To assess, over and above all other rates specially established by this act, all the citizens of the said city, to meet the expenses of any indemnity which the said council might be obliged to pay to persons in the said city, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly; and if the said council shall neglect or refuse, within six months after such destruction or damages caused to any property in the said city, to pay a reasonable indemnity, to be established by arbitrators, if one of the parties shall so desire, then the said council shall be liable to be sued for such damage in any of the courts of justice of competent jurisdiction.

Board of health.

107. For establishing a board of health, and investing them with all the privileges, powers and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or of making such regulations as such board of health shall deem necessary for preserving the citizens of the city from any contagious diseases, or for diminishing the effects or the danger thereof.

By-laws for that object.

Accidents by fire.

108. For the better protection of the lives and property of the inhabitants of the said city, and for more effectually preventing accidents by fire, the said council may make by-laws for the following purposes, that is to say :

109. For regulating the construction, dimensions, ^{Chimneys.} height, and elevation of chimneys above the roof or even in certain cases above the neighbouring houses and buildings ;

For paying out of the funds of the said city any expenses ^{Fire engines.} that the council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires.

110. For preventing thefts and depredation which may ^{Thefts at fires, &c.} be committed at any fire in the said city, and for punishing any person who shall resist or maltreat any member or officer of the said council, in the execution of any duty assigned to him by the said council under the authority of this section.

111. For establishing or authorizing and requiring to be ^{Enquiring into cause of fire.} established after each fire in the said city, a judicial enquiry into the cause or origin of such fire, for which purpose the said council, or any committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administred by any of the members of the said council or of such committee.

112. For regulating the manner in which and the periods ^{Sweeping of chimneys.} of the year when chimneys shall be swept, and for granting licenses to such numbers of chimney-sweeps as the said council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said city to allow their chimneys to be swept by such licensed chimney sweeps ; and for fixing the rates to be paid for sweeping ^{Rates for sweeping.} chimneys, either to the council or such licensed chimney sweeps ; and for imposing a penalty of not less than one ^{Penalty.} dollar, nor more than five dollars on all persons who shall refuse to allow them to be swept, and whenever any chimney shall be common to several houses, or to be used, by several families in the same houses, the above penalty shall be paid by the proprietor or occupant of such house or part of house.

113. For regulating the manner in which ashes or quick ^{Ashes and quick lime.} lime shall be kept in the said city, and for preventing the inhabitants of the said city from carrying fire in the streets, without necessary precaution, from making a fire in any street, from going from their houses to their yards and out-buildings and entering therein with lighted candles not enclosed in lanterns ; and generally for making such ^{Carrying fire.}

regulations as they may deem necessary for preventing or diminishing accidents by fire.

Conduct at
fires.

114. For regulating the conduct of all persons at any fire in the said city, and for obliging all the inhabitants of the said city, to keep at all time upon and in their houses, ladders, in order the more easily to arrest the progress of fire.

Persons
wounded at
fires.

115. For defraying, out of the funds of the said city, any expenses which the said council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wounds, or contracted any severe disease at any fire in the said city, or in assisting or providing for the family of any person in their employ, who shall perish at any fire, or bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said city.

Reward.

Demolition of
buildings in
case of fire.

116. For vesting in such members of the council, or in the fire inspectors, or either of them, to be designated in such by-laws, the power of ordering to be demolished during the fire, any houses, buildings, out-houses or fences, which might serve as fuel to the fire, and endanger the other properties of the inhabitants of the said city.

Appointment
of officers.

117. For appointing all such officers as the said council shall deem necessary for carrying into execution, the by-laws to be passed by them, in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said city ;

Authorizing
officers to visit
and inspect
buildings, &c.

For authorizing such officers as the council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and the outside of all houses and buildings of any description within the said city, for the purpose of ascertaining whether the rules and regulations passed by the said council, under the authority of this section, are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said city, to admit such officers for the purposes aforesaid.

Carters.

118. For regulating the rates of charges to be paid to carters, and to license and number the same.

Notice of the
secretary-treasurer upon
completion of
collection roll.

119. The secretary-treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and for that purpose, shall give or cause public notice to be given on the following or subsequent Sunday, and by printed notices in French and in English

posted in conspicuous places in each ward, and by notices in nearest published journal in French and in English, notifying rate-payers that the collection roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessment, are required by him to pay the amount thereof, at his office, within the twenty days which follow the publication of the said notice.

120. If at the expiration of the said twenty days, there shall be any arrears of assessment, the secretary-treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such persons in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned together with the expenses of the serving of the notice, according to such tariff as the council shall have decided upon.

Demand of arrears.

121. If any person neglect to pay the amount of assessments imposed upon him for the period of fifteen days after he shall have been requested to do so as aforesaid, the secretary-treasurer shall levy the said assessments, with costs, by a warrant under the hands of the mayor authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession wherever they shall be found within the limits of the said city, addressed to one of the sworn bailiffs for the district of Ottawa, of the superior court for the province of Quebec, who is hereby authorized to seize and sell the said goods and the chattels in the ordinary manner.

Sale of movables in default of payment.

122. In all cases, where the persons who shall be rated in respect to any vacant grounds or other real property within the city, shall not reside within the said city, and the rates and assessments payable in respect of such vacant grounds or property shall remain due and unpaid for the space of one year, then it shall be lawful for the said city council, after having obtained a judgment before any court of civil jurisdiction, to sell and dispose of such property, or so much thereof as shall be judged sufficient for the payment of the sum due with costs, by a judicial sale; provided always, that all owners of property sold under the authority of this section shall be allowed to resume possession of the same within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with interest at the rate of fifteen per cent. per annum, thereon, and any necessary outlay which may have been made on the said property by order of the said council in virtue of this act,

Case of absent proprietor of vacant property.

Right of redemption at certain conditions.

Proviso, as to
the surplus re-
venue of the
sale.

on condition however that the said purchaser shall have, kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it, or allowed it to deteriorate; together with the cost attendant upon said sale, and ten per centum, besides interest both on the amount of the purchase money any of the said outlay; and provided also, that if after such sale of property belonging to persons residing out of the city, any surplus shall remain over and above the sum due to the said council, for assessment and costs the sheriff shall pay over such surplus to the city council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said city as a loan, at the rate of six per cent until called for and claimed by the party to whom it shall belong, to whom the same shall be paid.

Penalties for
infraction of
by-laws.

Fine and costs.

Imprisonment.

Witnesses.

Actions limited.

Limits of the
penalty.

Confiscation.

Taxes and
assessments
shall be privi-
leged debts.

123. If any person shall transgress any by-law made by the said city council under the authority of this act, such persons shall, for every such offence, forfeit the sum specified in any such by-law, with the costs to be allowed by the justice of the peace, who shall try such offences in accordance with the tariff then in force for the fees of the officers of the said justice of the peace, and to be levied on the goods and chattels, the offenders shall be liable to be committed to the common gaol of the district, for a term not exceeding one month, but which may be less in the discretion of the court, and no person shall be deemed an incompetent witness upon any infraction under this act, by reason of his being resident of the said city of Hull; provided always, that the information and complaint of any breach of any order or regulation of the said city council shall be made within one month after the time of the offence committed; and provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar, nor more than twenty dollars, and that no imprisonment for any such offence, shall, in any case be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said city council; and the said council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, or in the streets of the said city, and infringing at the same time the by-laws of the said council as regards the weight and quality of such goods, articles and provisions.

124. All the debts hereafter due to the said council for all taxes or assessments imposed on movable or immovable property of the said city, shall, by virtue of this act, be privileged debts, and shall be paid in preference to all other debts, and the said city council shall, in all cases of

distribution of moneys, be collocated in preference to all other creditors; provided always, that this privilege shall Proviso: only apply to assessments due for one year and no longer; and provided also, that this privilege shall have its full Proviso: and complete effect without its being necessary to have recourse to registration.

125. All the fines and penalties recovered under the provisions of this act shall be paid into the hands of the treasurer of the said city council, and the proceeds of all licenses for the sale of spirituous liquors, and of all other licenses granted under this act; shall form part of the public funds of the said city, any law to the contrary notwithstanding. To whom penalties, &c., shall be paid.

126. Before any by-law of the said city council shall have force, or be binding, such by-law shall be published in the French language, and the English language, in one or more newspapers published in the said city, and in default thereof, in the district of Ottawa, and copies of such newspapers, containing any such by-laws, shall be *primâ facie* evidence of such publication to all intents and purposes whatsoever. By-laws, &c., to be published

127. It shall be lawful for the said city council, from time to time, to borrow divers sums of money for affecting improvements in the said city, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said city with water, and generally for such purposes as the said council shall deem useful or necessary, subject to the provision of the clause 95. Council may effect loans.

128. It shall be lawful for any one of the members of the said city council individually, to order the immediate apprehension of any drunken, or disorderly, or riotous person, which he shall find disturbing the public peace within the said city, and to confine him in some place of confinement, in order that such person may be secured until he can be brought before the mayor or a justice of the peace, to be dealt with according to law. Members of council may order arrest of disorderly persons.

129. It shall be lawful for any constable, while on duty, to apprehend and arrest all persons he shall find disturbing the public peace within the limits of the said city, and also every person who shall be found sleeping in any field, vacant lot, highway, yard or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reason, for his conduct; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison, or any Powers of constables in certain cases.

other place of detention of the said city, in order to the safe keeping of the said person until he shall be brought before the mayor or other magistrate, to be dealt with according to law.

Persons as-
saulting con-
stables in the
execution of
their duty,
how dealt with.

Proviso :

Properties ex-
empt from tax-
ation.

Proviso :

Properties of
the crown, let
to tenants, &c.

Obligation of
the proprietor.

130. Every person who shall assault, beat, or forcibly resist any constable or peace officer, or any official of the said council, appointed by virtue of this act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, shall, upon conviction thereof before the mayor or justice of the peace, be liable to a fine of from four to forty dollars, currency, or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this act to the contrary ; provided always, that it shall be lawful for the said council, or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

131. The following properties shall be exempt from taxation in the city of Hull :

1. All lands and properties belonging to Her Majesty, her heirs and successors, held by any public body, officer or person in trust for the service of Her Majesty, her heirs and successors ;

2. All provincial and federal properties and buildings ;

3. Every place of public worship, presbytery and its dependences, and every burying ground ;

4. Every public school-house, and the ground on which the same is constructed ;

5. Every educational establishment, and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals, or charitable or educational establishments, and is not possessed for the purpose of income ;

7. Every court house and district gaol, and the grounds attached thereto ; provided always, that this exemption shall not extend to lots or to other buildings, built upon lots leased or occupied by tenants under the government, in the said city ; but such lands belonging to the government or to the ordinance department, occupied by tenants, shall be valued and assessed in like manner as other real property in the said city ; and such rates or assessments shall be paid by the said tenants or occupiers thereof.

132. The proprietors of the property mentioned in the preceding paragraph, shall nevertheless, be bound to the making and maintenance of roads, streets, water-courses, and ditches, in conformity with the by-laws of the said city

council, and such proprietors shall also be bound to pay any special tax for that purpose, and the compensation for the use of public water, as may be imposed by the said council.

133. From and after the passing of this act, the said city council shall alone be authorized to grant and deliver certificates for obtaining tavern licenses, any law, usage or custom to the contrary notwithstanding; and such certificates shall be signed by the mayor and the secretary-treasurer of the said council.

Certificates for tavern licenses to be granted by council only.

134. If any action or suit shall be brought against any person, for the recovery of any penalty imposed by this act, or in virtue thereof, such action or suit shall be brought within twelve calendar months next after the act committed, and not afterwards.

Prescription of actions.

135. It shall be lawful for the said city council to order the inspector of the said city, to notify any parties who shall have made, or shall hereafter make, encroachments upon the streets or public squares of the said city, by means of houses, fences, buildings or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such person a reasonable delay for the purpose, which delay shall be specified by the said city inspector, in giving his notice, and if such persons shall not have removed such encroachments or obstructions, within the delay specified, the council may order the said inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose, and the said council may allow to the said inspector his reasonable expenses, and recover the same before any court having competent jurisdiction, from any person making such encroachment or obstruction.

Encroachments on public streets or squares.

Power of the council to oblige persons to remove them.

Costs in these cases.

136. Whoever, having the right to do so, shall open, or cause to be opened any trench in any street of the said city, shall take care to preserve a free and uninterrupted passage through such street, while the works are in progress; he shall fill up the trenches, and replace the pavement and ground in the same condition as that in which they were before the works were began, and without unnecessary delay; he shall cause the trench to be fenced or guarded with lamps or with watchmen during the night, so that the same may not be dangerous to passengers, and in default of so doing he shall incur the penalty provided for in section one hundred and twenty-five of this act.

Works on roads.

Free passage to be left.

Openings to be properly guarded.

Penalty.

Penalty for granting false receipt in order to pay less taxes.

137. From and after the passing of this act every proprietor or agent who shall wilfully grant a certificate or receipt setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said city such a receipt or certificate falsely representing the value of the rent paid by such tenant in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof before the mayor or a justice of the peace, to a penalty of twenty dollars, currency, or less, according to the judgment of such mayor or justice of the peace.

Penalty.

Council may prevent re-erection of buildings in certain cases.

138. It shall be lawful for the said council, whenever any house shall encroach upon any of the streets or public squares of the said city, to prevent the proprietor of such house from rebuilding on the site, occupied by the demolished house, and it shall be lawful for the council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefore, and such indemnity shall be fixed by arbitrators appointed respectively by the said council, and by the party they are desirous of dispossessing, and the said arbitrators, in case of difference of opinion, shall appoint a third; and the said arbitrators, after having been sworn by a justice of the peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Indemnity in that case; proceedings to that effect.

Council may acquire lands for public purposes.

139. The said council shall have full power to purchase and acquire, out of the revenues of the said city, all such lots, lands, and real property whatsoever within the said city, as they shall deem necessary for the opening or enlargement of any street, public square or market place, or the reerection of any public building, or generally for any object of public utility of a municipal nature.

Forced expropriation for public utility; proceedings in cases of disagreement as to the value of property taken.

140. When the proprietor of a lot which the said council shall be desirous of purchasing for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, and shall refuse to appoint an arbitrator to value the same, or in case such proprietor shall be absent from the province, or in case such lot of land shall belong to infants, issue unborn, lunatics or idiots, the said council may apply to the circuit court, sitting in and for the district of Ottawa, or to any other court for the appointment of an

arbitrator by the said court, to make, conjointly with the arbitrator appointed by the said council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third, and when the said arbitrators shall have made their report to the said council at a regular meeting thereof, it shall be lawful for the said council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the prothonotary of the superior court, in and for the district of Ottawa, for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such prothonotary, to claim the sum so deposited, it shall then be lawful for the said prothonotary, and he is hereby required to remit such sum to the secretary-treasurer of the said council, to be deposited by him with the moneys of the said city, and such sum will bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said council to any person entitled to receive the same, within three months after a formal notification to the mayor and to the secretary-treasurer of the said city to pay the same; provided always, that it shall be lawful for any party who deems himself injured by the award of such arbitrators to appeal from such award to the superior court in and for the district of Ottawa, and upon a summary petition the said court may settle the value of such lot of land by a special jury to be struck, summoned and empaneled as such juries now are by law and the practice of the said court, and thereupon render such judgment as to law and justice shall appertain.

Right of appeal if the person exprop. deems himself injured.

141. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list, opposite the name or designation of such office, that is to say:

Penalty for refusal to accept office.

1. The office of mayor, thirty dollars currency; Mayor.
2. The office of alderman, twenty dollars currency; Alderman.
3. Whenever the valuers neglect to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll containing such valuation, to the secretary-treasurer of the council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars currency, for each day which shall elapse between the expiration of the said period of two months and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed. Valuers neglecting their duties.

Penalties for refusing to perform things required.

142. Every member of the council, every officer appointed by such council, every justice of the peace, and every other person who shall refuse or neglect to do any acts or perform any duty required of or imposed upon them by this act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars currency.

Penalty for voting without qualification.

143. Every person who shall vote at any election of aldermen, without having at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not less than twenty dollars.

Inspectors neglecting duty.

144. Every inspector or officer of roads who shall refuse or neglect to perform any duty assigned to him by this act or by the bye-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar currency, unless some other and heavier penalty be by law imposed on him for such offence.

Penalty.

Persons defacing notices, &c.

145. Every person who shall wilfully or maliciously tear down, injure or deface any advertisement, notice or other document required by this act, or by any by-law or order of the said council, to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

Penalty.

Penalties how recovered.

146. All the penalties imposed by this act, or by any by-law made by the council, may be recovered before the magistrate's court of the county of Ottawa, or before the circuit court for the district of Ottawa, or before any justice of the peace residing in the said city, all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing be condemned with cost of suit, in accordance with the tariff of the court in which the said suit was instituted.

Costs.

Moneys, &c., of former municipalities transferred to the city.

147. All moneys, debts, privileges, actions, assessments, rights and claims which belong to the county council of Ottawa, or to the municipality of the township of Hull, shall become and be the moneys, debts, privileges, actions, assessments, rights and claims of the corporation of the city of Hull, in so far as they shall affect the property included within the limits of the said city but no further.

By-laws concerning roads, &c.

148. The council shall have power to make by-laws for the opening, construction, maintenance, at all seasons of the year, and for the straightening of the streets, roads, bridges, cause-ways, ditches, wharves, and of all public

works whatsoever, under their control, within the limits of said city; the ground used for streets and roads shall be the property of the municipality.

Ground for street.

149. The council at any one of its sittings, shall divide the area of the said city into inspector's wards, and shall sub-divide the said wards into sections, and appoint such number of inspectors as they shall think proper in each ward.

Division into inspector's wards.

150. Besides the duties that may be imposed on them by the council, the inspectors shall be bound, each one in his own ward, to superintend, at all seasons of the year, the works in and about the roads, bridges, cause-ways, fences and ditches, under the control of the council, whether the said works are being executed for the first time or being repaired only.

Duties of inspectors.

151. Every inspector, in his district, shall have power, and it shall be his duty to cause to be removed every description of public nuisance, existing either in the roads or elsewhere, and it shall be the duty of each inspector to execute or cause to be executed punctually, all orders relating to the said works given to him by the inspector of the ward.

Inspectors shall cause nuisance to be removed.

152. Any person who is bound, either in virtue of a *procès-verbal*, or in virtue of this act, or of any by-law of the council, to the maintenance, repairing or construction of any roads, bridges, ditches or fences within the limits of the said city, who, after having been required by the inspector of the ward, shall refuse or neglect to perform labour on or about the said roads, bridges, ditches and fences, and to do any other work that may be required of him, as aforesaid, shall be subject to a fine of two dollars for each offence, and the said fine shall be recoverable before any justice of the peace of the said city, in accordance with the usages and ordinary practice in such proceedings, or before the circuit court for the district of Ottawa, or in any other court of competent jurisdiction.

Penalty on persons bound to road work and refusing to perform it.

153. Whenever works which ought to have been done, or material which ought to have been furnished on or for any road, bridge or street, on account of any lot, or by any person whomsoever, have not been done or furnished after the proprietors of the lot of the said person have been notified to that effect by the inspector, the inspector may himself do the work or furnish the materials, and recover the value of the said work done or materials furnished, by an action in the circuit court, or any other court of competent

Inspector may perform road-work in default of person bound to do it.

Recourse.

jurisdiction for the district of Ottawa, together with the sum of two dollars as a penalty and costs.

Front roads. **154.** If there be no valid *procès-verbal*, by-law, or order to the contrary, the front road of each lot shall be made, repaired and maintained by the proprietor, tenant, or occupant.

Present *procès-verbaux*, &c., to remain in force until altered.

155. Any *procès verbal*, by-law, or order relating to any road, bridge, street or ditch, in force when this act takes effect, shall continue in force until amended or repealed by the said council, by a *procès-verbal* or by-law, which the said council is hereby authorized to make, observing all the enactments and formalities which the said council shall deem it expedient to prescribe.

THE RECORDER'S COURT.

Recorder's Court.

156. There shall be a court of record in the said city, to be called "Recorder's Court of the City of Hull."

By whom held.

157. The said court shall be held by the recorder, to be appointed as hereinafter provided.

Its jurisdiction.

158 The said court shall have exclusive jurisdiction over, and shall hear and determine summarily :

City taxes.

159. Any action brought by the corporation of the said city, for the recovery of any sum of money due to the said corporation, for any tax, assessment, impost or duty whatsoever legally imposed by any by-law or resolution now in force in the said city, or that may hereafter be passed by the council of the said city.

Market dues.

160. Any action for the recovery of any sum of money due to the said corporation for the rent, use, or occupation of any butcher's or huckster's stall, or other stall or stand whatsoever, in or upon any of the public markets, or elsewhere in the said city, in virtue of any by-law now in force, or to be hereafter passed by the council of the said city ; or for any tax, duty or impost, now, or to be hereafter imposed and levied in and upon the public markets or private butcher's stalls in the said city.

Water rates.

161. Any action for the recovery of any water rate, or any sum of money due whatsoever that may be due and payable to the said corporation for any supply of water given or furnished from the Hull water works, to any house or building, or given or furnished to or for the use of any person in the said city ; or for the introduction of any

pipe or pipes from the said works into any house or building in the said city, or the enlarging, extending, repairing, altering, removing or draining of any such pipe or pipes, in such house or building, or at the instance or for the use or benefit of any person in the said city.

162. Any action for the recovery of wages or pay due to servants, journeymen or laborers employed by the day, the amount of which shall not exceed twenty-five dollars. Servant's wages.

163. The said recorder's court shall also have summary jurisdiction in cases of lease, use, and occupation of stalls, markets, cattle stands or other immovable property of the said corporation, for the recovery of the rent or of the sum due to the said corporation for the use and occupation thereof. Leases of stalls.

164. And the said court and the said recorder shall have and exercise for this purpose, all the powers and jurisdiction granted in this respect by law to the superior or circuit courts, or to the judges thereof. Jurisdiction.

165. The said recorder's court shall also have concurrent jurisdiction with the circuit court, or with any judge of the superior court in the district of Ottawa, as to matters between lessors and lessees, and may act in virtue of the act of consolidated statutes for Lower Canada, chapter forty, intituled : "an act concerning lessors and lessees," and of the legislative provisions amending the same, in the same manner and with the same formalities as the said circuit court, or any of the judges of the said superior court, is directed to proceed in and by the above last cited act, as regards the ejection of the lessee for committing waste upon the premises or part of the premises leased, or for refusing or neglecting to pay his rent, or for using the premises leased contrary to the intent for which they were leased, or because the term of his lease, either written, verbal, or presumed is expired ; and the said recorder's court shall have and possess, to that end, all the necessary powers and authority including that of issuing writs of summons, execution and possession, and to fix and determine the costs to be paid by the losing party, which costs however shall not include any attorney's fees ; provided always, that the competence of the said recorder's court shall be limited to cases where the consideration or annual value of the property occupied shall not exceed the sum of one hundred dollars, and which shall apply to premises or real estate situate within the limits of the said city ; and the law-stamps which would require to be affixed to proceedings of the nature of those mentioned in this sub-section in the Relations between lessors and lessees. Powers limited Law stamps.

circuit court, shall be affixed to such proceedings before the recorder's court.

Offences
against chap.
102, C. S. L. C.

166. The said court may take cognizance of and determine in a summary manner, all offences against the provisions of the act chapter one hundred and two of the consolidated statutes for Lower Canada, in so far as the provisions of the said act are applicable to the said city; and, also :

Recovery of
fines, &c.

167. Any suit for the recovery of fines or penalties imposed in virtue of any act or by-law now in force in the said city, concerning the markets in the said city, or any suit for the recovery of any fine or penalty imposed by this act or by any by-law of the said council, now, or to be hereafter in force, and incurred for any infraction of the provisions of such act or by-law.

Certain articles
of the code of
procedure ap-
plicable.

168. The articles 2, 3, 4, 5, 7, 8, 10, 11, 18, 24, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 79, 80, and the articles from 615 to 631, inclusively, of the code of the civil procedure of Lower Canada, as amended by subsequent acts, shall apply *mutatis mutandis* as the case may be, to the recorder of the said city, and to the said recorder's court.

Delay of sum-
mons.

169. The delay of summons in the case of seizure by garnishment after judgment (*saisie-arrêt après jugement*), shall be the same as that in ordinary civil actions issued by the recorder's court.

When the
court shall sit.

170. The said court shall, for the purposes aforesaid, be held from time to time, as occasion may require, in the city hall, or in such other place in the said city as shall be set apart for the purpose, by the council of the said city.

Eligibility of
the recorder.

171. The recorder shall be a barrister of the province of Quebec, of at least five years standing, and shall be appointed by the crown during pleasure; he shall be *ex-officio* a justice of the peace in and for the district of Ottawa;

His salary.

His salary shall not be more than eight hundred dollars per annum, and shall be payable monthly out of the funds of the said city.

May appoint a
deputy.

172. The said recorder may, from time to time, by an instrument in writing under his hand and seal, to be deposited and registered in the office of the clerk of the said recorder's court, appoint some fit and proper person, being an advocate of the said province, of not less than years standing, to be and act as his deputy in the event of his

illness or necessary absence from the city, and any such nomination and appointment may, from time to time, be revoked, and again made by such recorder, as circumstances may seem to require.

173. Every person so appointed shall, for and during the period of time limited in the instrument containing his appointment, or if no period of time be therein limited, then from the date of the registration thereof as aforesaid, until the revocation thereof, have, hold, use, occupy, possess and enjoy, and be vested with all and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the recorder for the said city, to the exclusion, for the time being, of the person so nominating and appointing him as aforesaid; provided, nevertheless, that the said recorder's court shall not at any time be deemed to have been illegally held, nor shall the acts of any deputy-recorder of the said city be deemed invalid, by reason of the absence of the recorder not being deemed to be necessary within the meaning of this act. His powers.
Proviso :

174. In case of the death of the recorder, the said deputy shall act as such until the lieutenant-governor shall have appointed a recorder in accordance with the law. Case of death
of recorder.

175. The clerk of the said recorder's court shall be appointed by the council of the said city, during pleasure. Clerk of the
court.

176. The said clerk may, from time to time, by an instrument under his hand and seal, to be acknowledged by him before the recorder, and duly deposited and filed in the office of the said recorder's court, and entered in the register thereof, appoint one fit and proper person, to be and act as his deputy in the discharge of all and every his duties as clerk of the said recorder's court, and remove any person so appointed, and appoint another in his stead. May appoint a
deputy.

177. So long as he holds office, the said deputy shall fulfil all the duties, and shall be invested with all the powers imposed or conferred by this act, on the clerk of the said court. Duties and
powers of de-
puty.

178. The clerk of the said court shall prepare and make out all the summonses, orders, writs and warrants whatsoever, which shall be issued by the said court. Duties of the
clerk.

179. He shall conduct, in behalf and in the name of the plaintiffs or prosecutors, when such plaintiffs or prosecutors are the corporation of the said city of Hull, all cases and suits cognizable by and within the jurisdiction of the Shall represent
the corp. be-
fore the court.

said court, except in cases where the said corporation shall deem it expedient to appoint an attorney, or to associate him with counsel.

Oath of office of clerk and deputy.

180. The said clerk and his deputy, shall respectively take an oath of office, before the said recorder's court; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy clerk.

Register of proceedings.

181. He shall enter daily, and in a succinct manner, in a register which shall be kept for that purpose, the proceedings had in each cause or complaint brought in the said court.

What records of proceedings shall suffice.

182. It shall not be necessary for the clerk of the said court to enregister at full length the proceedings, judgments and convictions of the said court; but a roll only of the said judgments and one of convictions shall be duly kept by the said clerk, wherein shall be set forth in the first case, the name of the defendant, the nature of the debt, and the date of judgment, and in the second, the nature of the offence, the penalty and the date of conviction, and the notes of proceedings noted in the original summons or complaint, shall be sufficient evidence thereof; provided, that in cases when the defendant requests, prior to the hearing of the case, to have the proceedings entered as heretofore, the above provisions shall not apply.

Provide:

Death of the clerk.

183. In the event of the death of the said clerk, the deputy clerk shall continue to act as such, until another clerk shall have been appointed by the council.

Form of writs, &c.

184. Every summons, order, writ or warrant of any nature whatsoever, issued, out of, or by the said court, shall run and be in the name and style of Her Majesty, her heirs or successors, and they shall be signed by the clerk of the said court.

Written complaint not requisite in certain cases.

185. In all cases tried for drunkenness, or where a person shall be arrested on view by a police constable of the said city for an offence against the provisions of the act, chapter one hundred and two of the consolidated statutes for Lower Canada, or of any act amending the same, or of this act, or of any by-law now in force, or which shall be in force in the said city, it shall not be necessary that the complaint be reduced to writing, but a verbal complaint, under oath, made before the said recorder's court, by the constable who shall have arrested such person, shall be deemed a sufficient complaint.

186. If such person demand that the complaint be reduced to writing, the said court shall direct the clerk of the said court to reduce the said complaint to writing. Complaint to be written if demand.

187. The said court may, by writ as aforesaid, summon any person accused of any offence against the provisions of any act or by-law, rule or order, as aforesaid, or from whom any sum of money is claimed, for any of the causes aforesaid, and such writ of summons shall set out the grounds of the action or complaint, in a succinct and explicit manner, and shall be served upon the defendant, by a bailiff or constable as hereinafter provided, by leaving a certified copy of such writ, either with the defendant personally, or at his domicile, speaking to some grown member of the family of the said defendant; but no service shall be valid after five of the clock in the afternoon. Court may summon offenders. Allegations. Services.

188. In any civil action there shall be an interval of at least two clear days between the service of the writ of summons and the day of its return into court. Delay.

189. If any person summoned to appear before the said court, either for any debt or claim, or for the commission of any offence, as aforesaid, does not appear either in person or by his attorney, then, upon proof of the service of the summons, proceedings by default shall be taken against such person, and upon proof by the plaintiff, of the allegations of the action or complaint, the court shall render the proper judgment in the matter, with costs. Default to appear.

190. If the defendant appears, the court shall cause the plea put in by him to the action or complaint to be entered; it shall hear the witnesses produced by the parties, and shall decide in conformity to law and justice. If defendant appears.

191. If the defendant confesses judgment, either in person or by attorney, the court, if the confession of judgment be accepted by the plaintiff, shall cause judgment to be entered in conformity with such confession; in case of prosecution or complaint for any offence against the provisions of any act or by-law aforesaid, if the defendant pleads guilty, the court shall declare the defendant convicted. If he confesses judgment.

192. The said court may grant a delay of not more than two months to any defendant who confesses judgment after the return of the action brought against him. Delay on confession of judgment.

Power on
witnesses.

193 The said court shall have power to compel witnesses to appear in any action, prosecution, or complaint pending before the said court, and answer all legal questions put to them in the same manner as is done in the ordinary courts of civil jurisdiction in this province.

*Facts et arti-
cles, oaths, &c.*

194 The said court may permit and require *interrogatoires sur faits et articles* or the *serment décisoire* or *judiciaire* to put to any party to a cause, in all cases in which such interrogatories or oaths are allowed by law in the ordinary courts of civil jurisdiction in the province of Quebec.

General
powers of the
court

195 The court shall also have power to compel the execution of any writ, order, warrant, or summons issued as aforesaid, by the said court, and to that end it shall be invested with all the powers and authority enjoyed in that respect by the ordinary courts of civil jurisdiction in the said province of Quebec.

Evidence.

196 In any civil action, the said court shall, as regards the admissibility of oral testimony, and the competency and the number of witnesses, follow the rules prescribed in that respect by the law, in relation to civil matters, subject however to the following provisions.

Who may be
witness.

197 In any civil action or proceedings, or in any prosecution or complaint for any offence committed against any by-law of the said city, or against the provisions of any of the acts hereinbefore cited, any member of the council of the said city, or any employee, officer or servant of the said corporation, shall be a competent witness; provided he has no direct interest in the result of such action, prosecution or complaint, or is not incompetent from any other cause.

Provided:

One witness
sufficient.

198 Any assessment, tax, duty or sum of money due to the said corporation, as aforesaid, any penalty or fine which may be claimed or sued for in the said court, shall be recoverable on the oath of one competent witness, and any person accused in the said court of any offence within the cognizance of the said court, may also be condemned on the oath of one credible witness.

Depositions.

199 The deposition of the parties or of the witnesses both in civil cases and in cases of complaint or prosecution for offences as aforesaid, shall not be reduced to writing.

Maintenance
of order.

200 The said court shall cause order to be maintained during its sittings, and may punish, by fine or imprisonment, any person guilty of contempt of the said court, during the sittings and in the presence of the said court.

201. The council of the said city shall appoint, from ^{Faillifs.} time to time, by resolution, a sufficient number of persons competent to fulfil the duties of bailiffs of the said recorder's court, and the said council may dismiss such persons at any time, and appoint others in their stead.

202. Upon such appointments being made, the mayor of ^{Their commis-} the said city shall issue commissions appointing such persons bailiffs of the said court, under the seal of the city, and signed by himself, and by the clerk of the said city.

203. Every such bailiff shall take an oath of office in the ^{Oath of office.} said recorder's court.

204. Every said bailiff, the bearer of a writ of summons, ^{Returns of} or writ of execution, or any other writ issued out of the ^{bailiffs.} said court, shall make returns, under his oath of office, of all proceedings taken by him in relation to said writ, and such return shall suffice for all purposes whatsoever.

205. The service of any summons in case of prosecutions ^{Proof of ser-} for offences as above mentioned, shall be proved in open ^{vices.} court by the bailiff, constable, or peace officer, who shall have made such service, and the services of summonses to witnesses, or of any other order of the said court requiring to be served, shall be proved in the same manner.

206. The execution of any judgment rendered in any ^{Execution of} civil action, as above mentioned, shall be levied by the ^{judgments.} seizure and sale of the goods, movables, and effects of the defendant.

207. No writ of execution shall be issued until the ex- ^{Delay.} piration of eight days after the day on which judgment shall have been rendered.

208. The bailiff, the bearer of the writ of execution, ^{Execution of} shall proceed to the seizure and sale, in the manner pre- ^{writs.} scribed and practiced in cases of seizure and sale under execution issued by any ordinary court of civil jurisdiction in the province of Quebec; subject, however, to the provisions contained in sections eighty-nine, ninety and ninety-one of this act.

209. If the property of the defendant is already under seizure in virtue of any writ of execution issued by any ^{If there be a} other court, in such case, the bailiff, the bearer of the writ ^{previous sei-} of execution issued by the said recorder's court, shall not ^{zure.} make any seizure, and, upon production to him of the ^{Deposit of the} *procès-verbal* of the said seizure, he shall hand over the ^{writ.}

writ issued by the said recorder's court to the sheriff of the district, or to the bailiff who shall have made the seizure, (as the case may be).

Effect of such deposit.

210. The delivery of the said writ of execution shall have the effect of an opposition *afin de conserver*, and shall be sufficient to secure to the said corporation, by privilege, (in cases in which such privilege exists) the payment of the sum due, including principal, interest and costs.

In case the defendant has no movables, &c.

211. In case the defendant does not possess any goods or chattels within the district of Ottawa, or in case they are not sufficient to satisfy the amount of the judgment obtained, or in case, after the sale of the said goods and chattels of the defendant, a balance on such judgment still remains due to the said corporation, in all such cases, if the sum due exceeds fifty dollars, and the defendant possesses any immovable property, lands or tenements within any district in the province of Quebec, there the said recorder's court may issue a writ *de terris*, signed as aforesaid, and addressed to the sheriff of the district in which such immovable property is situated.

Writ *de terris*.

Where returnable.

212. The said writ shall be returnable into the superior court for the district of Ottawa.

Duty of the sheriff.

213. Upon the receipt of such writ, the sheriff to whom it is directed shall act and proceed in all respects as regards the said writ, as if it had been issued by the superior court, and he shall make a return thereon, of his proceedings in respect of its execution, to the said superior court, as hereinbefore provided.

Ulterior proceedings.

214. And all ulterior proceedings of what kind soever, consequent upon the issuing of such writ, or necessary to the execution thereof, as well as with regard to the plaintiff and defendant, as with regard to other parties who, in due course of law, may intervene, by opposition or otherwise, shall be had in the said superior court, in the same manner as if the said action had been originally brought and determined in the said superior court.

Saisie-arrest after judgment.

215. The said recorder's court may issue writs of *saisie-arrest* after judgment in the same manner as the ordinary courts of civil jurisdiction, and shall follow in relation thereto the rules and procedure prescribed in such courts as regards the issuing of the writ, the return and judgment in matters of *saisie-arrest*.

216. The recovery of all fines adjudged in the said recorder's court, shall be proceeded with, in pursuance of the by-law imposing such fine, by writ of *saisie-exécution* against the goods and chattels of the defendant, or by the imprisonment of the defendant, as the case may be, and such writ and warrant shall be issued in the manner above stated. Recovery of fines.
Imprisonment.

217. In any suit, action or prosecution brought by the said corporation, in the said recorder's court, it shall not be necessary to specify or recite the act or by-law under which such suit, action or prosecution shall be brought; but it shall be sufficient to state that it is in virtue of the act or by-law in that behalf made. Act or by-law need not be cited, &c.

218. The said council may make and settle a tariff of the fees, which may be exacted by the clerk and bailiffs, and change the said tariff, from time to time; but neither the said tariff, nor any of the changes made therein, shall have force and effect, until the same shall be approved by the lieutenant-governor in council. Tariff of fees, made by the council.

219. The said recorder's court may be held and may sit as many times as it may be necessary each day, without previous notice, and may fix any time for the summary hearing and determination of offences committed by any person against the provisions of chapter one hundred and two of the consolidated statutes for Lower Canada, hereinbefore mentioned, or the provisions of any act or by-law now in force, or that may hereafter be in force in the said city; and for summarily hearing and determining the case of any vagrant, loose, idle, or disorderly person, and other offenders arrested by or in charge of the police of the said city, or the cases of persons arrested, on view, or immediately after the commission of any offence, as aforesaid, or by warrant issued out of the said court, or by the said recorder, or by any justice of the peace for the said district of Ottawa. When the court may be held.

220. The police of the said city, or any other peace officer or constable, may bring before the said court, or before the said recorder, any person offending, as aforesaid, against the provisions of the acts or by-laws aforesaid, and any vagrant, loose, idle, or disorderly person, and any person arrested, as aforesaid, to be then and there dealt with according to law, as the said recorder's court, or the said recorder, may judge and determine. Powers of police.

221. The said recorder's court shall have power of proportioning the punishment to the gravity or frequency Punishment of offences by the court.

of the offence, within the limitations mentioned in this act, and in the acts for the government of the said city.

Mode of prosecution for certain offences in contravention to by-laws.

222. The said council, in all cases of offences for the commission whereof fine or imprisonment is imposed by any by-law of the said council, may proceed against the delinquent, either by summons or by warrant issued, upon affidavit taken before the recorder, as may be thought more advisable for the attainment of justice.

Fines and penalties, &c., how recovered.

223. All fines imposed by this act, or by the provisions of any by-law of the said city council, which now is, or may hereafter be in force in the said city, shall be recovered before the said recorder's court, with costs, by immediate payment of the said fine and costs, and in default of immediate payment of the said fine and costs, the party against whom the said judgment shall have been rendered, shall be imprisoned in the common gaol of the district of Ottawa, for a period not exceeding two months, unless such fine and costs be paid before the expiration of such term of imprisonment.

Imprisonment.

If the offender be a corporation, &c.

224. In all cases in which a fine has been incurred by a corporation, association, or society recognized by law, such fine and costs shall be levied by the seizure and sale of the goods and effects of the said corporation, association, or society, in virtue of a writ of execution, issued from the said court, and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters.

Liability of joint-owners, &c., in certain cases.

225. Any joint-owner or occupier of any lot, house, building or other real property in the said city, complained of for violation of any by-law of the said council now or hereafter to be in force, bearing upon such joint-owner or occupier, or upon the said lot, house, building or other real property in any manner whatsoever, by reason of any nuisance committed thereon, or any other offence of what nature soever against the provisions of any by-law of the said council, may be sued alone or conjointly with his co-owners or co-occupiers, in the said recorder's court, as may be deemed advisable, as also any agent of the said joint-owner or occupier; and in the suit to be instituted, it shall be sufficient to mention the name of such joint-owner, or occupier, or of such agent, with the addition of the word, "and others," and the oral testimony of such ownership and occupancy, whether sole or joint, or of such agency, shall be deemed sufficient; any law, usage, or custom, to the contrary notwithstanding.

226. And the said corporation, or any municipal elector ^{Who may bring the suit.} may institute any proceedings for that purpose in the name of the city of Hull, as provided in the next section.

227. Any action instituted by the said corporation in ^{Suits to be in the name of the corporation.} virtue of this act, or any act or by-law relating to the said city, for the recovery of any tax, duty or assessment or of any fine, shall be brought in the recorder's court in the name of the city of Hull.

228. All fines sued for and recovered in the said recorder's court, under and by virtue of this act, or any other act or statute now in force or to be hereafter passed in relation to the said city, shall belong to and form part of the general fund of the said city, unless otherwise provided in such statute. ^{Application of fines.}

229. To the council alone shall appertain the right of remitting the whole or part of any fine belonging to the said city, as well as of the costs of the suit occasioned by the prosecution for the said fine. ^{Council can remit fines.}

230. This remission shall be made, in each case, by a ^{In what manner.} simple resolution adopted by the majority of the council, on a petition presented to the said council to that effect, accompanied by recommendation of the judge or magistrate who shall have imposed the fine, the said petition presented by the person asking such remission, and not otherwise.

231. Any member or officer of the said council who ^{Penalty.} shall infringe the provisions of any of the two next preceding sub-sections, shall incur a fine not exceeding twenty dollars for each offence.

232. Any remission of any fine or costs, in violation of the provisions of this section, shall be considered as null ^{Any other remission null.} and of no effect.

233. Whenever in the present or any other act relative ^{Imprisonment and where held to be.} of the said city, or in any by-law, rule or order as aforesaid, imprisonment is imposed, such imprisonment shall be presumed and held to be in the common gaol of the district of Ottawa.

234. The recorder's court may use its discretion in ^{Costs.} awarding or withholding costs, or ordering each party to pay his own costs.

235. In any action, proceeding or complaint by the said corporation, it shall not be necessary to allege or to prove ^{Certain allegations dispensed with.}

that the formalities required for the passing of a by-law have been observed, nor that such by-law has been transmitted to the lieutenant-governor; but the fact that such formalities have been observed shall be presumed, until proof to the contrary be shown.

Errors in the
writs of sum-
mons may be
corrected.

236. In all cases where, in any action or summons in civil or penal matters, there shall be variance between the allegation and the proof relating to the christian or surname, the addition, description, or residence of any party mentioned in such action or summons, or to any other fact alleged in such action or summons, the said court may at any time, before, during, or after the *enquête* or before judgment, upon the request to that effect made by an interested party, direct the amending of such action or summons, if necessary, and allow the adverse party a sufficient delay to prepare a defence to the action or summons so amended, if the party require it for the ends of justice.

Municipal Code
shall apply.

237. The municipal code shall apply to the said corporation of Hull on all subjects not provided for by this act.

Coming in
force,

238. This act shall come into force the day of its sanction.

C A P . L X X X .

An Act to incorporate the Quebec Society for the Prevention of Cruelty to Animals.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS certain persons have, by petition, set forth, that a society for the prevention of cruelty to animals is urgently needed, and have further represented that such a society would be greatly aided by an act of incorporation, and have prayed, that they and their successors be incorporated, under the provisions hereinafter mentioned; Therefore, Her Majesty, by and with the consent of the Legislature of Quebec, enacts as follows:

Certain persons
incorporated.

1. W. Marsden, M. D., Robert Hamilton, John C. Thomson, J. Dinning, S. B. Foote, H. S. Scott, Hon. P. Garneau, Col. J. B. Forsyth, S. Moore, W. J. MacAdams, A. Watters, W. Hossack, Adolphe P. Caron and A. Robertson, and such other persons as may be associated with them, in conformity with this act, and their successors, are hereby constituted and created a body corporate, with all the rights incident to corporations, by the name of "The Quebec Society for the Prevention of Cruelty to Animals."

Name of corp.

2. The officers of the said corporation, shall consist of a president, treasurer, secretary, and a committee of management of not less than ten members, and such other officers, as shall, from time to time, seem necessary to this society. The foregoing officers shall be chosen from among the members of the society, and the president, treasurer and secretary, shall be *ex-officio* members of the said committee.

3. The said society shall have power to form a code of by-laws, not inconsistent with the laws of this province, or of the dominion, for fixing the terms of admission of its members, for the government of the same, for the election, changing and altering the officers above named, and for the general regulation and management of its affairs, which code, when formed and adopted at a regular meeting, shall, until modified or rescinded, be equally binding as this act, upon the society, its officers and members.

4. The society shall not hold other immovable property than shall be required for its use and occupation, and not exceeding the annual value of one thousand dollars.

5. The police force, constables and bailiffs shall, within the limits of the province of Quebec, as occasion may require, aid the society, its members and agents, in the enforcement of all laws, which are now or may hereafter be enacted for the protection of dumb animals.

6. The word "person" in the thirteenth clause of chapter ninety-six, of the consolidated statutes of Canada, shall include this society, when incorporated by this act.

7. No member of the corporation shall be individually liable for any debt incurred by the said corporation, for any of the purposes authorized by this act.

C A P . L X X X I .

An Act to incorporate "The Atlantic Insurance Company of Montreal."

[Assented to 23rd February, 1875.]

WHEREAS the increasing trade and commerce of the Province of Quebec justifies and demands increased facilities for Marine and Inland Insurance; and whereas the establishment and formation of companies, for that purpose, by fit and proper persons, will afford greater conve-

nience to the inhabitants of this province, in effecting insurances and settling losses; and also, more security for losses, and greater facilities for recovering them; and whereas the persons hereinafter named, are desirous to establish and maintain such a company; and have petitioned to be incorporated for that purpose, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

1. John McLennan, Victor Hudon, Thomas Ryan, Peter Mitchell, John Rankin, Robert Simms, John Hope, Donald Lorn MacDougall, Gilbert Scott, William Markland Molson, Robert P. McLea, Henry McKay, John Cowan, and every other person who shall hereafter become a shareholder of the said company, shall be and are hereby united into a company, for making and effecting inland navigation and marine insurances, according to the rules hereinafter mentioned, and for that purpose, are constituted a body politic and corporate, under the name of "The Atlantic Insurance Company of Montreal."

Name of the corp.

Power to make certain contracts of insurances, &c.

2. The said company shall have the power and authority, within the limits of the province of Quebec, to make, with any person or persons, all insurances connected with marine risks, of navigation and transportation by water; against loss or damage, either by fire, or by perils of the navigation, of or to any vessel, steamer, boat, or other craft, either sea going or navigating upon lakes, rivers, or navigable waters, and of or to any cargo, goods, wares, and merchandizes, specie, bullion, jewels, bank notes, bills of exchange, and other evidences of debts conveyed therein; and of and to any timber or other property of any description, borne or carried by water, and of and to any freight, profit, commission, bottomry or *respondentia* interest; and to cause themselves to be re-insured when deemed expedient, against any loss or risk, on which they have made or may make insurance, and generally to do and perform all other necessary matters and things, relating to such objects.

Power to purchase, &c.

3. The said company shall have power and authority, within the limits of the said province, to purchase, have and hold, to them and their successors, any real or immovable estate, lands and tenements, which shall be necessary for their immediate accommodation, and the transaction of their business not exceeding the yearly value of five thousand dollars, and the same to sell and dispose of, and others to acquire as may be deemed expedient; and to take and hold any real estate *bond fide*, mortgaged and hypothecated to the said company by way of security, or conveyed

Limited.

to them in satisfaction or payment of any debt previously contracted in the course of their dealings, or purchased at any sale under any judgment, execution, or decree of court, which may have been obtained for such debts, or by virtue of any proceeding at law, or acquired by purchaser to avoid a loss to the said company through prior claims, and to hold the same for a period not exceeding five years, during which time the said company shall be bound to sell or dispose of, and convert the same into money or property authorized to be held by virtue of this act.

4. It shall be lawful for the said company, within the limits of the province, to invest their funds, or any part thereof, in loans on public or landed securities, and the same to call in and reloan as occasion may require, and as may be deemed expedient by their directors from time to time; and in the purchase of public securities, stock of chartered banks, or other chartered companies, the bonds and debentures, and the other evidences of debt of the government of the Dominion of Canada, or of the province of Quebec, and to sell and transfer the same; provided always that the said company shall not deal in any goods, wares or merchandizes, other than such as they shall become possessed of by virtue of any insurance made thereon, or which may be abandoned to them.

5. The capital of the said company shall be formed by and consist of ten thousand shares, of one hundred dollars each, and the said capital stock, with the property of the company, shall be held liable for the payment of all engagements, losses or damages that may from time to time occur, and be justly claimed from, or charged upon the said company; but it shall be lawful for the said company from time to time, to increase the capital stock to an amount not exceeding in the whole twenty thousand shares, by a resolution adopted by the majority of the shareholders present at a meeting or meetings expressly convened for the purpose.

6. John McLennan, Hon. Peter Mitchell, Victor Hudon, Hon. Thomas Ryan, Robert Simms, John Hope, John Rankin, Gilbert Scott, and Henry McKay, a majority of whom present in person or by proxy, held by another provisional director, shall constitute a quorum for the transaction of business, shall be and are hereby constituted a board of provisional directors of the company, until other directors shall be appointed under the provisions of this act; and shall have power and authority to elect a president and vice-president from amongst their number, to appoint a

secretary, to make agreements as hereinbefore provided, to open books of applications for stock, to call a general meeting of shareholders for the election of other directors, as hereinafter provided, and generally to do such other acts as shall be necessary for procuring the election of a board of directors by the shareholders and for effectually placing the enterprize under their control.

Subscription
books.

Notice.

Organization.

Meeting of
shareholders

7. It shall be the duty of the parties named in the first clause of this act, or a majority of them, to open books in the city of Montreal, for the subscription of the stock of the said company, after giving at least ten days' notice thereof in one English and one French newspaper, published in the said city; and the said books of subscription shall be and remain open and accessible to the public for at least ten days, at a place to be designated in such notice, and should the said ten thousand shares not be fully subscribed during such time and at such place, the said parties, or a majority of them, so soon as one hundred thousand dollars of the said stock shall have been subscribed, and five per centum shall have been paid on account of the same, to organize the said company, and to call a meeting of the shareholders, by giving at least ten days' notice in two newspapers, published in the city of Montreal as aforesaid, for that purpose.

Appointment
of the first di-
rectors.

8. It shall be the duty of the said shareholders, or so many of them as shall attend the meeting, provided for in the last preceding clause of this act, at such meeting to proceed to the appointment and election of nine directors, as provided for by this act, upon whom shall devolve thereafter the duty of organizing, conducting and managing the affairs of the said company, until the first annual general meeting of shareholders upon the next ensuing first Wednesday in February, as provided for in this act, and the said parties named in the first clause of this act, after such election, shall be relieved from further duty, touching the organization or management of the affairs of the said company.

General annual
meeting of
shareholders;

For the elec-
tion of the di-
rectors.

The transac-
tion of busi-
ness.

Notice of the
meeting.

9. A general meeting of the shareholders, shall be held at the usual place of business of the said company, or any other place in the city of Montreal, upon the first Wednesday of February, annually, for the election of directors, which directors shall be elected by ballot, and shall serve till the next annual general meeting, and until such time as their successors shall be elected, and for the transaction of such other business, as may properly be laid before such meeting, and for the review of the general affairs of the said company; and it shall be the duty of the directors for the time being, to give due notice of such meeting, by publishing

the same at least ten days before the day aforementioned, in at least one daily newspaper, published in the city of Montreal; and in the event of the first Wednesday in February, in any year being a legal holiday, then the annual meeting aforesaid, shall be held on the next following day, not being a holiday; and the shareholders present, either in person or by proxy, at all general meetings, shall have one vote for each and every share that shall have been held in his or her name, or in the name of any firm, association or partnership of which he or she may be a partner, upon the books of the said company, for at least fifteen days next preceding such annual election; provided always, that no more than one vote be given or taken upon any share, and that the scrutineers at such election, shall decide as to the rights of any person to vote, in the event of disagreement or dispute between parties holding shares registered in the name of any firm, association or partnership, as aforesaid. And in case of a failure to elect from any equality of votes for more than nine directors, a new election shall be then and there held to fill the undetermined places, and in case of any vacancy occurring in the number of directors, such a vacancy shall be filled up for the remainder of the year, in which it may occur, by a shareholder to be nominated by a majority of the directors; provided always, that no person shall be elected or nominated to be a director, who shall not be a shareholder in the company to the extent of at least ten shares, at the time of his election or nomination, and during his continuance in office, either registered in his own name or the name of the firm or partnership of which he is a member; provided further, that no two persons of a firm or partnership, be qualified by the same shares.

Right to vote.

Proviso :

Vacancies.

Qualification of directors.

Case of co-partners.

10. The corporation shall not be dissolved by a failure to elect directors, at the time when such election should be made pursuant to this act; but such election may be made on any other day, in such manner as may be directed and required by the by-laws of the company; provided that any ten or more of the shareholders, holding or representing at least one-fourth of the subscribed stock, may require the directors to call a special general meeting of the shareholders, in the manner prescribed for the annual general meetings, for the purpose of electing new directors, or any other purpose to be mentioned in the requisition and advertisements, and on their refusal or neglect to do so, may themselves call such meeting, by an advertisement to be published in two newspapers, published in Montreal as aforesaid.

Case of failure in electing directors.

Meeting may be required or called by ten shareholders.

11. Any number of the directors aforesaid, being a majority of them, shall have full power from time to time to

Power to make by-laws.

Proviso:

make and enact by-laws, rules and regulations, (the same not being repugnant to this act, or to the laws of this province,) for the proper management of the affairs of the said company, and from time to time to alter and repeal the same, and others to make and enact in their stead; provided that no such by-laws, rules and regulations as aforesaid shall be valid or have effect, after an annual or special general meeting convened as aforesaid, unless approved and confirmed by a majority of the shareholders present thereat.

Monthly meetings of the directors.

12. There shall be a monthly meeting of the directors, and five or more of the directors shall form a quorum for transacting and managing the affairs of the company, and at the first meeting after the annual election, the said board of directors shall appoint one of their members to be president, who shall serve for one year, or until the next general annual meeting of directors, and until his successor shall be appointed, and such other officers as shall be deemed necessary, at such salaries as they may deem proper, and at such meeting shall also nominate and appoint one of their number to co-operate and advise with the president, until the next meeting of the board, in managing the ordinary business of the company, and the said board of directors shall have the power to call special general meetings of the shareholders whenever they shall deem it necessary for any purpose to be mentioned in the advertisement thereof.

President.

Officers, &c.

Special meetings.

Sub-board for the transaction of business.

13. The president and two of the directors appointed for that purpose shall be a sub-board, and shall hold all requisite meetings for the transaction of business; and all policies of insurance issued by the company shall be signed by the president and manager, with at least one of the directors so appointed; provided always, that no director or officer shall be held liable except as a shareholder in the company, for the giving out and signing policies of insurance or any other lawful acts, deeds, or transactions done and performed in pursuance of this act.

Responsibility of the officers and shareholders.

Commencement of the business.

14. So soon as the sum of fifty thousand dollars shall have been paid in on account of the said capital stock, and not before, the said court of directors shall proceed with the business and purposes of the said company.

Calls.

15. Any person may subscribe for such and so many shares as he may think fit, and five per centum on each share shall be paid at the time of subscribing therefor, and the remainder at such times as the directors for the time being shall appoint, and if any shareholder refuse or neglect

to pay the calls or instalments thereon at the time when required so to do, he shall forfeit his shares, together with the amount paid thereon, and the said shares shall be sold, and the sum arising from such sale, together with the amount so previously paid, shall be accounted for and divided in the like manner as the other moneys of the company, unless the sum produced from such sale shall be more than sufficient to pay all arrears and interest on such instalments, together with the expense of such sale, and in such case the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses.

Case of refusal to pay them.

16. In case the said directors shall deem it more expedient in any case to enforce the payment of any unpaid instalments than to forfeit the shares, it shall and may be lawful for the company to sue for and recover the same from such shareholder, with interest thereon, in any action for debt, in any court having civil jurisdiction to the amount claimed, and in any such action it shall be sufficient to allege that the defendant is the holder of one or more shares (stating the number of shares) and is indebted to the company in the sum to which the calls in arrear may amount; and to maintain such action, it shall be sufficient that the signature of the defendant to some book or paper, by which subscription of such shares shall appear, be proved by one witness, whether in the employment of, or interested in the company, or in any way allied, or related to any of the said directors or shareholders, or other persons interested in the said company, or not, and that the number of calls in arrear have been made.

Recovery of instalments.

17. The shares of the said company shall be assignable and transferable according to such rules as the board of directors shall appoint and establish, and such transfers shall be recognized and acknowledged by the company, only after they shall have been entered in the books of the company; and no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until his debt is paid, or security to the satisfaction of the directors be given to them that it will be paid; and if any shares are sold under execution, the company shall have the first privilege or lien upon the proceeds thereof, for the payment of any debt due to the company.

Shares transferable.

Proviso:

Privilege, &c., of the company in case of forced sale.

18. An annual detailed statement shall be made which shall exhibit a full and unreserved statement of the affairs of the company, of their funds, property, and securities, the amount in real estate, bonds and mortgages, notes and

Annual statement of the affairs.

other securities therefor, public debt or other stock, and the amount of debt due to and from the company ; together with a fair estimate of the next profits of the company not before divided, up to the first day of February in each year, and allowing for any previous or probable deficiencies ; which said annual statement shall be submitted to the annual general meeting aforesaid, and published in two newspapers, one French and one English, in the city of Montreal.

Dividends. **19.** The directors shall have power to declare and pay to the shareholders dividends from time to time, when they shall see fit, which dividends shall be paid, in cash ; from actual net earnings after provision shall have been made for all expenses and liabilities of the company ; leaving its capital unimpaired.

Liability of shareholders. **20.** Shareholders shall not be held liable for any claim, engagements, loss or payment whatsoever, for or by reason of the liabilities of the said company, of what nature soever, beyond the amount of the share or shares which each may respectively hold remaining unpaid, and after payment to the said company of the full amount of such share or shares, such shareholders shall not be liable for any further sum of money whatsoever.

Shares deemed personal property. **21.** All shares in the company shall be deemed personal property.

Place of business. **22.** The operations and business of the said company shall be carried on at such place in the city of Montreal as the directors shall direct ; but agencies, with or without branch boards of directors, may be established elsewhere in this province, as the shareholders shall deem expedient, and such branch boards of directors shall consist of not less than three, who shall be shareholders to the extent of at least ten shares, or one thousand dollars each, and shall be appointed by the board of directors.

Agencies.

Suits. **23.** Suits against the company may be prosecuted or maintained by any shareholder therein ; and no shareholder of the company, not being in his individual capacity a party to such suit, shall be incompetent as a witness in suits and legal proceedings, by or against the company.

CAP. LXXXII.

An Act to incorporate "The Canada Landed Proprietors' Loan Company."

[Assented to 23rd February, 1875.]

WHEREAS it is advisable to insure the real estate the Preamble.
importance and credit which it ought to possess, by
facilitating loans to landed proprietors, at moderate rates;

Whereas it is expedient to attract into this country
foreign capital to be employed in the purchase of real estate,
or to be used in the improvement of agriculture and in the
development of various agricultural industries, advanta-
geous to this province;

And whereas the persons hereinafter named have, by pe-
tition, prayed for incorporation into a society designed to
attain this threefold purpose, in the manner hereinafter
set forth, and it is expedient to accede to their prayer;
Therefore, Her Majesty, by and with the advice and con-
sent of the Legislature of Quebec, enacts as follows:

1. The Honorable Louis Renaud, the Honorable François-
Xavier-Anselme Trudel, E. H. Trudel, Jean-Baptiste Re-
nand, C. S. Rodier, P. A. Fautoux, Alphonse Desjardins,
M. W. Baby, J. B. Rolland, C. H. Letourneux, Joseph M.
Valois, L. O. Taillon, P. O. Trudel, Alexandre Lacoste, N.
B. Desmarteau, and all other persons or corporations, who
from time to time shall possess any share or shares in the
company, shall form an incorporated company, under the
name of "The Canada Landed Proprietors' Loan Compa-
ny," with all the rights, powers and privileges inherent in
corporations. Certain persons
incorporated.

Corporate
name and
powers.

2. The capital stock of the company shall be two millions Capital stock.
of dollars, divided into four thousand shares of five hun-
dred dollars each, and it may be increased to an amount
not exceeding five millions of dollars, by resolution of the
board of direction supported by the vote of at least three-
fourths of the directors of the said company, and approved
of at a general meeting of the stock holders of the said com-
pany called together for this purpose.

Provided that the said company may begin its operations Commence-
ment of the
operations.
so soon as a sum of one hundred thousand dollars of shares
subscribed in one or more classes shall have been paid and
executed in the manner hereinafter set forth, and that the
subscriptions completed in each class of shares issued, do
not form an amount less than twenty thousand dollars for
each class.

Issue of capital stock by classes.

Conditions.

Profits and losses not affected by those of another.

Provide:

Subscription books.

Notice.

New classes of shares.

Manner of making subscriptions.

Percentage for expenses.

Amount of shares.

Completion of the subscription.

Reimbursement in certain cases.

3. The shares of the said capital stock shall be issued in distinct classes or categories which shall be designated by numbers, letters, or proper names, as shall be deemed expedient. The board of direction shall fix by by-law, the conditions upon which each class of shares shall be issued, the special object of the issue, and the mode of repayment.

The produce of each class of issues may be the object of distinct operations; and the result of these transactions shall be in no manner affected by the result of transactions in respect to other classes of shares, that is to say, that the profits and losses of one class shall in no manner affect the profits realised and the losses sustained on other classes of shares; provided, however, that the directors apportion in an equitable manner, the expenses of the administration of the company, over all classes of shares.

4. So soon as the provisional directors of the company have determined at a regular meeting, subscription books of the capital stock of the said company shall be opened in the places and during the times specified by the board of direction, and notice thereof shall be given in the manner deemed advisable by the said board. Subsequently, when the board of direction shall have been regularly elected by the shareholders, the subscription for new classes of shares shall be made, and new books opened in the same manner.

5. Subscriptions for shares shall be made in manner following: the shareholder shall, either personally or by attorney, enter in the subscription book his name and the date of the subscription, and opposite his name he shall enter in a separate column, the number of shares for which he subscribes, and in another column the total amount of such shares. At the same time, he shall pay in cash, to the agent entrusted with the subscription book, one per cent on the capital subscribed, such percentage to be used to meet the first expenses incurred in the organization and management of the company.

6. Each share shall be five hundred dollars.

7. Within three months of the subscription for the said shares, the subscriber shall be bound, if occasion requires, to complete the said subscription; in default whereof such subscription shall be null, and the said subscriber shall lose the sum of one per cent so paid by him on subscribing. But if the company cannot, in the absence of a sufficient number of subscribers, or for other reasons, succeed in the issue of the class of shares, for which subscriptions have been asked, it must reimburse to the subscribers all sums received, with the exception of \$2.50, which shall be re-

tained from each subscriber, to cover the cost of subscription books, advertisements, collection of subscriptions and other expenses.

8. Immediately after his having entered in the stock book, the amount of shares which he desires to hold in the said company, and within the three months following, the subscriber shall prepare all titles and documents required to complete the execution of his subscription, in order to be prepared before the expiration of such delay, to execute the hypothecary deed or obligation, which must perfect his said subscription and accompany the same by the documents necessary to establish the value thereof.

Preparation of titles, &c.

Such documents shall be :

1. The deed of property of the real estate to be hypothecated, or if the said subscriber has acquired the property by succession or by any other mode of acquisition, and possesses no title thereto, the affidavit of two credible persons establishing that he is the proprietor of the said real estate, and the period during which he is so proprietor ;

Deed of property.

2. A certificate of the registrar of the registration division, within which the said immovables are situate, which certificate must establish that they are not encumbered by any hypothec, or other charge which may affect the value of the hypothec to be given on such immovable ;

Certificate of the registrar.

3. An extract certified by the secretary or clerk of the municipality, within which such immovables are situated, from the last valuation roll made in the said municipality, establishing the sum at which the said immovables are valued and in whose names they are entered ;

Extract of the municipal valuation roll.

4. If occasion requires, a sworn certificate of a builder or architect establishing the value of the buildings or improvements effected on the immovable, in the event of the same having been effected, since the preparation of the last valuation roll ;

Certificate of architect.

5. A policy of assurance upon the buildings erected upon the said immovables, in the event of such buildings being necessary, over and above the soil alone, to secure the amount of the shares subscribed.

Policy of assurance.

9. Upon application, on the part of the society, for execution of the subscription, if the subscriber does not intend to pay in money, the amount of the shares subscribed for by him, he shall deposit the said documentary titles, in the hands of the company, together with the sum fixed by the by-law of the board of direction and deemed necessary to cover the cost of the valuation of the real estate, the cost of the deed to be executed, as also that of the registration thereof, and further as clear and precise a description as possible of the real estate to be hypothecated. On receipt

Proceedings in case of non-payment of subscription in money, &c.

of these documents and of the said sum of money, the manager or secretary-treasurer of the company shall forthwith give written instructions to the valuers and to the advocates and attorneys thereof, requiring the former to value the said real estate and to report under oath their valuation thereof, and the latter to examine the said titles, and to report in writing the result of the said examination.

Report of the
attorney.

Such latter report must establish that the said obligation has been drawn up, in the manner and form required by law, to render it a valid hypothecary title, and that the said hypothecary title unites all the conditions requisite to offer to the creditor of the obligation, all the hypothecary guarantees of the first class, that is to say, if the said obligation has been :

Its content.

1. Passed before a notary competent according to law to practice as such in this province ;

2. Made in the form required to constitute it a valid obligation, for the amount therein stipulated ;

3. Duly registered in the manner and at the time required by law ;

4. Whether it creates a hypothec on an immovable sufficiently described in the said title ;

5. If, according to the extract from the municipal valuation roll and the estimate of the company's valuers, the value of such immovable is amply sufficient to guarantee, under all the circumstances and within the limits prescribed by this act, the amount stipulated in the obligation ;

6. If a certificate of the registrar, establishing that any antecedent hypothec, calculated to affect or diminish the hypothecary guarantee conveyed in the obligation, accompanies such obligation ;

7. If the titles of the debtor of the obligation to the ownership of the immovable hypothecated by him, are valid ;

8. In the event of a policy of assurance being required, whether such policy of assurance has been regularly executed and extends guarantees of sufficient safety.

The said report may be made according to form A annexed to this act.

Execution of
the subscrip-
tion if reports
are favorable,
&c.

10. If such two reports are favorable, the execution of the subscription may take place, by the subscriber agreeing to and signing, in favor of the company, either an obligation carrying a hypothec for the amount of the shares subscribed, or by conveying to the company obligations, or the price of sales, carrying a first hypothec, the whole executed according to the law in force in this province, and offering hypothecary securities of the first class. Such obligations or assignment of price of sales, or other valuable considerations, must constitute, in favor of the company,

Securities.

hypothecs on one or more immovables whereof the minimum value established, as well by the extracts from the valuation rolls of the municipality as by the estimates of the valuator of the company, must exceed by at least one fourth the amount stated in the obligation; provided always Proviso; that no immovable shall be so deemed to be sufficient, unless it be valued at least \$750 currency; but it shall be lawful for the subscriber, who is unwilling to execute such hypothecs, to pay the amount of such shares in money, by one or more instalments, in the manner to be established by by-law of the company to such effect passed.

11. The obligations or other titles so executed shall be regularly enregistered, in the order of their date and number, in an index kept for that purpose by the company; and they shall bear the number of the said index which number shall avail to indicate the said obligation or the said title in all documents making mention thereof. Such number, once given, shall not be thereafter changed, nor omitted, nor effaced, for any reason whatsoever. Enregistration of obligations, under a special number.

The said obligation or the said title shall be executed Conditions. under the obligations and conditions, and shall be payable in the manner and within the delays settled by the board of direction.

12. Immediately after the execution of the said obligation or of the said assignment, or other title, it shall be deposited without delay in the hands of registrar for registration. The registrar shall indicate, in the most conspicuous manner, the number which the said obligation bears in the index of the company. At once upon such registration, the registrar shall deliver a certificate thereof, which shall in the same time establish that, in the period elapsed between the date of the certificate furnished by the subscriber for the shares, and the registration of the said obligation, no other title affecting the immovable or immovables hypothecated, has been registered. Deposit of titles in the hands of the registrar.

On receipt of such certificate, the secretary of the company shall enter in the book of executed shares, the name of the subscriber, with a statement of the amount of his executed shares, and from such time, the said subscriber shall become a shareholder in the said company and may thereafter enjoy all the powers, privileges and advantages attaching to the quality of shareholder in the said company. Enregistration certificate.

13. When any obligation, transfer, or hypothecary titles are passed in favor of the company for a sum of at least one hundred thousand dollars currency, the said company by a resolution of their board of directors, may issue bonds or debentures, or security bonds for an amount equal to the amount of obligations, hypothecary titles, or transfers that Entry of the name of the subscriber in the book of executed shares.

By whom
signed.

How redeem-
able.

Register of the
debentures.

What such de-
bentures shall
represent and
continue.

Inventory of
the production
of the docu-
ments to be
transmitted to
the prov. sec-
treas.

may have been made in their favor, as aforesaid, and the said debentures may be made according to form B, and cannot be of a less amount than five hundred dollars currency each. Such debentures shall be signed by the president and the secretary of the board of management, shall bear the seal of the company, and be issued without any delay. They shall be redeemable in 5, 10, 15 or 20 years, shall bear interest payable semi-annually and may be redeemed by means of a sinking fund or by a single payment, according to the decision of the board of management. A register of the debentures issued shall be kept by the company, in which the debentures shall be registered in the order of the number of each, as well as the number of the coupons accompanying the same which shall bear such number. Such book shall be styled "The Book of Security Bonds or Debentures."

14. Such debentures shall represent respectively one or more obligations, transfers or hypothecary titles, and shall contain, in the body thereof mention of such obligations by the indication of the number and of the amount of each. They shall also bear in large characters at the head of each, the letter, figure or name under which it has been determined, by a decision of the board of direction, to name or indicate the class of shares to which belong the hypothecary titles or obligations represented by such debentures. Mention shall also be made, in each debenture following the number of each hypothecary title, of the registration division where-in such hypothecary title shall have been registered.

15. Whenever the said debentures so issued shall have been signed by the president and the secretary-treasurer of the company, an inventory shall be drawn up of the production of the documents establishing what hypothecary securities they represent, which shall specify, by the respective number thereof each debenture, and under such number, the description of all the hypothecary obligations or titles which the said debentures represent, as also all certificates in support of the said hypothecary titles, which shall have been deposited with the company, as heretofore explained; to such inventory of production shall be added the said hypothecary title and all the said vouchers all bearing the number of the said hypothecary title, as also letters of classification, A, B, C, D, E, F, G, &c., according to the number of vouchers. Such inventory of production may be drawn in the form C. The whole shall be transmitted to the provincial secretary of Quebec, who shall in succession submit the said documents to the examination of the law officers of the crown and of the provincial treasurer.

The said examination shall by them be made with the ^{Examination.} assistance of the report of the advocate of the company, the regularity of which they shall have to establish.

16. If after examination of the said documents, the law ^{Certificate of} officers of the crown ascertain that each obligation has been ^{the law officers} entered into according to law and is in all respects formal and ^{of the crown.} accompanied by the certificates required by this act, to constitute the obligations valid, they shall sign a certificate to be ^{its contents.} annexed to the hypothecary title, and which shall set forth:

1. That the said obligation is passed in the form required by the law of this province, by a notary competent to practice therein as such, to be a valid obligation, and that such obligation is according to law an authentic title;

2. That the title of the debtor of the obligation, to the real estate hypothecated by him, is clothed with the formalities required by law, has been executed before a notary authorized to confer the character of authenticity upon his deeds, and possesses all the character of a good title, or, if the case requires it, that it has been established by satisfactory proof, in default of titles, that the said debtor is the owner of the said real estate;

3. That the secretary-treasurer or the clerk of the municipality, in which is the said real estate, who has certified as correct the extract of the valuation roll establishing at what sum the said real estate is valued, is an officer recognized by the law of this province and invested by law with power to give authentic copies or authentic extracts of the valuation roll or of any document of record is his office;

4. That the valuers who established the value of the said real estate are those regularly announced by the company to the government; that their report is duly sworn, before a person competent to administer the oath;

5. That the registrar who delivered the certificate accompanying the obligation, is the registrar of the registration division, wherein is situate the real estate described therein; that such officer is duly appointed, according to law, by the government, to deliver such certificates; that such certificates are authentic and make proof of their contents;

6. That the advocates and attorneys who have granted the certificate of examination of titles required by section 9, and who certify such titles as securing the validity of the hypothecary title, are advocates duly admitted to practise as such, and practise as such according to law;

7. That the policy of insurance effected in favor of the company, is issued by an insurance company in operation in this province, and recognized by law.

Such certificate shall be given on a printed blank, which ^{By whom signed.} the attorney or solicitor general shall sign, and which shall remain attached to the obligation. Such certificate may be made according to form ~~D~~ annexed to this act.

Examination
of the docu-
ments by the
Prov. treas.

17. Accompanied by the said certificates of the law officers of the crown the said documents shall be forthwith transmitted to the provincial treasurer, who after calculation made under his direction or under the direction of one of his assistants, of the various amounts specified in the obligations certified to him by the law officers of the crown, as being accompanied by all the circumstances required to render the same valid and sufficient hypothecary securities according to law, shall compare the respective amounts secured by the said obligations, with the amounts specified in the various debentures issued as representing the said hypothecary considerations and bearing the number of the said obligation as herein above explained, and if they are found correct, he or one of his assistants shall give a certificate, which shall also be annexed to the hypothecary title or obligation, and shall establish that the amounts specified in the debentures issued by the company, are correspondent to those mentioned in the hypothecary titles passed in favor of the company for an equal amount as hereinbefore set forth. Such certificate may be made according to form E, annexed to this act.

Certificate of
the treas.

Duty of the
Prov. sec. on
receiving those
certificates.

18. On such two certificates of the law officers of the crown and of the provincial treasurer, the provincial secretary or his assistant shall sign at the foot of each debenture issued by the company, in the name of the government of the province of Quebec, a certificate establishing that the said debenture, being made payable by the company which is the promiser thereon, is represented by one or more hypothecary titles, equal in amount to the amount of the said debenture, and bearing such or such number of the index of the said company, and that the said title or titles, obligations or hypothecary securities have been executed according to the formalities required by law, which certificate so written at the foot of each debenture, may be in the form F, annexed to this act.

Seal of the go-
vernment to be
affixed.

19. In addition to his signature, the provincial secretary or his assistant shall affix at the foot of the said certificate, the seal of the government of the province of Quebec.

Notice of the
issue to be pub-
lished in the
Q. O. G.

20. So soon as the provincial secretary or his assistant shall have given the said certificate, the company shall cause to be published once in the *Quebec Official Gazette* a notice informing the public of the issue of such debentures, indicating the numbers of the hypothecary obligations securing such debentures, as also the name of the registration division in which such obligation is registered. The said notice shall be forthwith enregistered by the company, in the registration offices of the divisions in which the va-

rious immovables hypothecated are situated. A number of ^{Transmission of the notice to registrars.} the *Official Gazette* containing such notice shall be sent to each registrar, in whose office such obligations have been registered. And the said provincial secretary shall retain the said debentures in his office, at least fifteen days after the publication of said notice.

On receipt of such notice, the said registrars shall forth- ^{Enregistrement of said notice.} with enregister the same in their offices, and make a summary mention of such notice on the margin of the registration of each obligation of the company registered in their offices, and specified in the said notice as security for the debentures issued.

21. Such hypothecs, so created under the said obligations, shall not be cancelled before the publication of such notice, save on the company's discharge, accompanied by a declaration of the company, that they have formally abandoned the realization of the issue of the loan of the class for which the said obligation was contracted, and accompanied also by a certificate of the provincial secretary, under the seal of the province to the effect that such issue has not taken place, or shall not take place, or that the said company does not intend to include the said obligation in any issue. But after the notice specified in section 20 has been published, the said hypothec shall not be otherwise cancelled than by the discharge of the company, accompanied with the deposit, at the registration office, of the debenture itself, with sufficient proof that it has been redeemed and cancelled, or that it has never been negotiated. ^{Cancellation of those hypothecs, &c.}

Nevertheless if the said immovable hypothecated had ^{Seizure of the immovables and shares by creditors.} been, before the redemption of the debenture, seized for the purpose of being sold by authority of justice, the seizing creditor may at the same time cause the shares held in the company by the debtor to be seized, and the immovable and the said shares shall be sold subject to the hypothecary obligation passed in favor of the company; but if the creditor does not seize the said shares, and does not cause the immovable to be sold subject to such charge, the provincial treasurer shall be collocated out of the price of sale, to the ^{If shares are not seized, the Prov. treas. shall be collocated.} extent of the amount of the said obligation and interests, and such amount shall be paid by way of deposit, into the provincial treasury, and shall there remain as security, in favor of the holder of the debenture to redeem the same and to pay the coupons thereon. On presentation of the debenture or of any of the coupons, the treasurer shall ^{Duty of the treas. on presentation of the debenture.} redeem the same in whole or in part, even before their maturity, and shall return the same to the company with the balance of the money coming to them.

Term of payment of the debentures.

22. The said debentures shall only be payable six months after the falling due of the obligations or hypothecary titles, to which they correspond, in order to confer upon the company itself the advantage of collecting the amount of the obligations before being itself called upon to pay them.

Negotiations thereof.

23. The said debentures shall be negotiated under the direction of the board of directors, on foreign money markets, on the most favorable conditions, in the manner and by the means deemed most expedient by the board of direction. The company may also negotiate its debentures in all parts of the Dominion of Canada, if it deem it advisable so to do.

Rights of shareholders after negotiation.

24. So soon as the company's debentures shall have been negotiated, and the produce of the sale thereof shall have been realized and the company be in possession thereof, each shareholder shall have the right to receive in money, on his promissory note, by way of loan from the company, a sum equal to two-thirds of the amount of the obligation by him entered into with the company, on the same terms as those upon which the company itself shall have obtained the funds, by the negotiation of its debentures, deduction being however made of an equitable proportion which the company shall be entitled to receive by way of overplus, to reimburse the expenses of management, of the negotiation of the debentures and other expenditure, and also to contribute to form a reserve fund, if the company deem the same desirable to cover the losses which the company may sustain. Such interest shall be payable by the shareholder contracting the loan in lieu and stead of that stipulated in his deed of obligation.

Reserve by the company.

25. The company shall retain in its hands, the remaining third of the money arising from the loan, which shall contribute, together with the sums arising from the shares paid in money and the surplus of the interest which the shareholders shall have paid, and which shall constitute a reserve fund, as provided by section 24, to form the disposable capital of the company. Such capital shall remain at the disposal of the board of direction, which may employ the same in the purchase of real estate, on behalf of the company, or in loans on hypothecs, or in any other transactions within the limits of the company's powers.

Use of it.

Power of improving properties, &c.

26. The board of management shall have full power to purchase and sell any real estate which it shall be in the interest of the company to purchase or sell.

27. The profits resulting from the operations of the company, with the funds arising from each class of shares respectively, shall be employed, in accordance with the conditions established at the time of the issue of each class of shares, either in paying the shareholders half yearly dividends, or annually, or every 2, 3, 4 or 5 years, as may be decided by the board of direction ; or in creating a sinking fund to redeem the debentures and pay the amount of the obligation of each shareholder, without the latter being obliged to repay a part or all the capital which he shall have borrowed from the company, or finally in creating in the capital stock of the company, permanent shares, which when once paid, shall constitute, together with the shares paid in money, the permanent capital of the company.

Disposal of profits.

28. It shall be lawful for any shareholder to leave in the hands of the company, the whole of the sum coming to him under the preceding provisions, so that the latter may use such money as it may deem necessary ; and such funds shall then form part of the disposable capital of the company, and the shareholder may, according to the by-laws under which the issue of such class of shares had taken place, receive the revenue arising therefrom in the shape of dividends, or let the same to accumulate so as to form permanent shares, as provided by section 27.

Right of shareholders to leave their funds in the company.

29. Classes of shares may also be issued subject to the condition that the shareholders shall not receive any portion of the capital arising therefrom, and that the whole of the said capital shall remain in the hands of the company, to become part of the disposable capital of the company, and to be employed by it in the manner indicated in sections 25 and 26.

Class of shares subject to certain conditions.

30. The profits arising from the transactions made with this capital may be paid in the shape of dividends, to the shareholders of these classes, or be used in forming permanent shares in the capital stock of the company. In the latter case, as soon as the operations on this class of issue shall have been completed and the capital borrowed and all interest thereon reimbursed, the sums representing the net profits realised shall be placed, in the names of the shareholders in the book of permanent shares, to create in their favor an amount of paid up shares equivalent to the share of profit of each of them ; and from such time, regular dividends shall be paid to the said shareholders on such shares, as on all other shares.

Profits arising therefrom.

31. Special classes of shares may be issued to assist agriculture, which shall be reimbursed by means of a sinking fund.

Class of shares to assist agriculture.

Management thereof.

They may be issued, negotiated and managed in the same way as all other classes of shares, with this difference however, that, if the board of directors of the company, think it desirable to make it one of the conditions of issue, each shareholder shall be obliged to employ the capital sum received by him, in agricultural improvements, and shall not receive the said capital except in proportion to his said improvements. The details of the management of such classes of issue shall be regulated by a by-law specially passed for that purpose.

Principal place of business of said comp.

Agencies.

32. The principal place of business of the said company shall be in the city of Montreal. But as soon as the affairs of the said company require it, and on a decision of the board of direction to that end, an agency shall be established in the city of Quebec. Other agencies may, when necessary, be established in other towns or important centres of agriculture, with the view of placing in operation one or more issues of the nature of those mentioned in section 81 of the present act.

Deposit of debentures paid, in the hands of Prov. treasurer.

Report to Prov. sec. in form of notice.

Enregistration of the notice, &c.

Cancellation of the hypothec.

33. After effecting the payment of the debentures and their coupons, that is to say, after reimbursing the loan with interest, the company shall deposit in the hands of the treasurer of the province the said debentures or all other documents sufficient to prove that such debentures with their coupons have been paid and the loan paid with interest; the treasurer, after having established that all such debentures and other coupons have been paid, shall report to the provincial secretary in the form of notice. Such notice, which shall contain the numbers of the debentures paid and the numbers of the obligations represented by such debentures, shall forthwith be published in the *Quebec Official Gazette*, and a copy shall be sent to each registry office, in which any of the said obligations may have been enregistered. The enregistration of such notice, and mention thereof in the margin of the enregistered obligation, shall discharge the hypothec created in favor of the said company. Each paid debenture shall be cancelled and annexed to the hypothecary title to remain, thus annexed, of record in the offices of the company. Such payment shall have the effect of extinguishing the shares created by the execution of the hypothecary subscription, as provided in section ten of this act.

Failure by the debtor to pay.

34. Nevertheless, if the debtor of the obligation shall have failed to pay the whole or any part of the obligation by him granted, and if it has not been otherwise paid, notice shall not apply to such obligations; the hypothec thereby created shall still subsist. The company may re-

purchase with its funds any or all of such debentures, re-
presenting such obligations to retain them as a creditor,
causing the interest accrued on the amount loaned to be
paid semi-annually, or exacting the payment in capital and
interest of the debenture or obligation, from the shareholder
or other holder, of the property mortgaged for the payment
thereof; provided that after the said debentures have be-
come due, the company shall have the right to exact from
the debtor thereof interest not exceeding eight per cent.

Power of the
company to
repurchase.

Proviso :

35. The lieutenant-governor in council, shall fix by
order in council the fees to be paid by the company, either
into the hands of the law officers of the crown, the trea-
surer, or the provincial secretary, for the cost of the certi-
ficates, attestations, etc., required by the present act. He
shall also fix the sum to be paid to each registrar for the
enregistration of the notices of issuing the debentures, and
of their payment or re-purchase, as well as the sum to be
paid for the publication of the notices required by the pre-
sent act.

Tariff of fees
to be paid,
made by the
Lieut. Gov.

36. The company may acquire, possess and alienate
public securities, stocks, obligations or debentures of any
corporation, obligations, debentures and other government
securities, municipal debentures, debentures issued by the
government of this province or of Canada, in exchange for
those of any town, city or municipality of this province,
debentures of railroad companies, bank shares, shares in
navigation companies, constituted and ground rents, and
all sums of money secured by privilege, hypothec, or pledge,
as also the titles and acknowledgements thereof; and shall
be subrogated in the rights of its vendors or *cessionnaires* by
whatever title.

Power to ac-
quire public
securities &c.

37. The board of direction may borrow in this province,
either on its own note or by mortgaging the real estate it
may possess as proprietor, an amount equal to the perma-
nent capital of the company, fix by by-law the mode of bor-
rowing and of repaying, provided that such transactions do
not in any way interfere with the redemption of the deben-
tures at maturity, and may make all transactions that are
lawful for any private person; provided that such loans be
only for the benefit of the owners of permanent shares, or
of those who may have contributed in the manner above
provided to the disposable capital of the company, deduc-
tion being however made of their share in the cost of the
management of the company; provided also, that the note
shall not be binding unless signed by the president and the
secretary-treasurer of the company and issued in respect of
the company's affairs.

Power to bor-
row.

Proviso :

Proviso :

Power to trans-
act business as
agent, &c.

To receive in
trust.

Profits of com-
missions.

Shares consid-
ered as im-
movables.

Those paid by
means of a
hypothec.

Sale of the
immovable
affected.

Previous:

If the com-
pany is not
notified of the
sale.

38. The said company is also authorized to act as an agency and commission company, and may in such capacity transact all business between private parties, of what nature soever. And so soon as, in the deeds or titles relating to such transactions, it shall declare that it is acting as an agent, it shall in no way be responsible for the obligations and the solvency of the parties contracting with one another through it. It may also receive, in trust, on commission, movable and immovable property which it shall manage according to instructions from the person creating the trust and for the attainment of the end for which the trust was created. The profits arising from commissions acquired, in the capacity of agent or trustee, shall in the first instance be applied to the reserve fund and afterwards to the working capital of the company. The directors shall divide in an equitable manner the profits going to the working capital, between the different classes of shares of the company.

39. The shares in the capital stock of the company shall be considered immovable property in matters of succession, community, administration of property belonging to minors, substitution, incapacity of minors, interdicted persons, married women, etc., but the husband of the wife common as to property, and the attorney of the wife separated as to property, the tutor or curator, as the case may be, shall have the power to represent their wife, pupils or principals in the company, either to receive dividends, or to vote at elections of directors.

The said shares which may have been paid by means of a hypothec on an immovable shall be considered as attached to such immovable, and one of its accessories.

The sale of the said immovable by authority of justice, or by voluntary sale, shall include even when not expressly stipulated the sale of the said shares or actions, save in the case of section 21 of this act. The contracting parties may however stipulate the contrary; and the vendor may always by an express stipulation in the deed of sale, retain the property on the said shares, without however such stipulation affecting the hypothecary recourse against the immovable, for the payment of the capital and interest. The new purchaser shall, by such purchase, personally contract with the company to fulfil the obligations of the original shareholder. In case of such sale, the company may, if it deems proper, and if it thinks that it has sufficient security in the immovable, discharge the vendor of his personal obligations towards it.

Until the company shall have been legally notified by service upon it of a copy, with a certificate of enregistration,

of the deed of sale, it shall be authorized to pay the former shareholder any dividend coming to him, and transact all business with him ; but after such service it shall have the right to act in the same manner towards the new proprietor.

40. The transfer of shares in the permanent capital shall be made in the same way as in incorporated companies. Transfers of the capital shares. Any purchaser of an immovable hypothecated as security for shares in the said company, when the vendor shall not have by the contract specially reserved the property in his shares in the present company, shall have the right to compel the said vendor to sign a transfer of his shares, in the usual form of transfers of shares of the company. Case of sale of the immovable without reserve.

41. If, after the death, insolvency or absence of a shareholder, it appears uncertain to the company, to whom the property in the said shares shall have passed, the company shall, within a month after regular notice given to it by any person interested of the death, absence or insolvency of the said shareholder, make a declaration in the office of the prothonotary of the district in which the company shall have established its place of business, that it is not aware who is the real proprietor of such shares, and who is entitled to receive the dividends. And after such declaration, the shares, with all dividends and all sums of money coming to the person in question, shall remain in trust, in the hands of the company, until the owner thereof presents himself and establishes to the satisfaction of the company, his right to receive the dividends and other benefits arising from such shares, if not, until a judgment of the said court shall have decided to whom belongs the property in the said shares, without the said company being ever condemned to costs against it before the expiration of one month, after the service upon it of a copy of such judgment. Certain proceedings if the company does not know the shareholders.

42. The responsibility of each shareholder shall in no case extend above the amount of the shares subscribed, if they are to be paid in money, or above the amount of the executed shares, if they exist on hypothecary securities. So that in no case shall the immovable hypothecated, be liable for more than the amount, for which it is thus hypothecated. Responsibility of the shareholder.

43. The affairs of the company shall be administered by a board of nine directors ; and the persons named in the first section of this act shall be the directors of the company, until others have been elected at a regular meeting of the shareholders of the company. Management of the affairs. Provisional directors.

Agencies.

As soon as one or more agencies shall have been established, the shareholders of shares subscribed at the said agency shall elect five directors, who shall manage the affairs touching the issues made by the said agency. But any by-law, all elections of directors, and the decision of any important matter touching the general interests of the company, shall have force and effect only when ratified by the general board of direction of the company.

Their directors.**Qualification of directors.**

44. No person shall be elected a director of the company, unless he has \$5,000 of subscribed and executed stock; and unless he be of the full age of majority, and in the enjoyment of all civil rights. Two thirds of the directors must be persons resident in Canada, and subjects of Her Majesty.

1st election of directors.

45. The first election of directors shall take place in the manner fixed by a by-law of the provisional board of directors of the company, as soon as the said provisional directors shall have decided on the time and place. Each shareholder shall have a right to a notice of such election, which shall be given him in writing and mailed to his address at least twenty days before that fixed for the meeting. The company may make any additional by-laws, as to the mode of proceeding at such election. Subsequent elections shall be held every year, for three directors only, so that the board shall be renewed in the space of three years. The first and second year the retiring directors shall be chosen by lot. With the exception of the six directors who shall retire at the beginning of the second and third year, all shall be elected for three years.

Notice.**Subsequent elections.****Duration of charges.****Right to vote.**

46. Each shareholder shall have a right to as many votes as he shall hold shares in the company, and may vote by proxy, furnished with a special power to that purpose.

Vacancies in the board.

47. Vacancies that may arise in the board of direction may be filled, if the board deems it desirable, by the board itself, which shall select from among the shareholders the best qualified to become members of the board.

President.

48. After each election, the directors shall choose among themselves, a president whose functions shall last until the following election.

Default of election.

49. If the board of direction neglects to hold the annual election, any shareholder may cause the secretary to give him the list of shareholders and himself call a meeting to proceed to the election, which can always be done at any time after the expiration of the year.

Until a new election the directors in office shall continue the management of the affairs.

50. The directors shall manage all the affairs of the company. And for the purpose of such administration, they shall have the right to make all by-laws, and execute all contracts, and make all transactions and bargains, not inconsistent with this act, and which by the common law all such individuals or incorporated companies have the right of doing. Power of directors.

51. All by-laws passed at a regular meeting of the board of direction shall have the force and effect of law, for the purposes of such by-law as soon as the said by-law or the resolution enforcing it shall be signed by the president and the secretary of the company. A copy of such by-law, certified a true copy by the secretary, shall be admitted as an authentic document and shall make proof as such under all circumstances and before all courts of justice. Effect of by-laws.

52. The company may exact the payment of all capital subscribed by an ordinary suit before any court of justice; and the production of the signature and of the subscription in the manner above indicated, shall make complete proof of the subscription, and shall be sufficient to lead to judgment. It may also exact the execution of every subscription given by obligation carrying a hypothec, when the subscriber shall not be able to show, that it is impossible for him to execute the said subscription. Power to exact payment judicially.

53. No shareholder whose subscription shall not be completed, or who shall owe any instalment of the capital to be paid in money, shall be entitled to vote on such shares so unpaid and incomplete. Privation of the right to vote.

54. The company shall keep regular books necessary for the putting into regular operation the affairs of the company, and the board of direction shall settle the method of keeping such books. Keeping of books.

55. The company shall have the right to exact from any shareholder or subscriber an extra advance, or to retain a portion of the capital or of the dividends necessary to pay any premium of insurance transferred to the company as additional security. Right to exact advance in certain cases.

56. If the buildings insured should burn, the company shall have the right to receive the insurance, but if the shareholder desires it and gives sufficient securities for the To receive insurance in case of fire.

use he shall make of the money, it shall furnish him the amount of the insurance to enable him to rebuild. And if it retains money arising from insurance, this money shall form part of the disposable capital, and dividends on this sum, if there is any, after payment of the interest, shall be paid to the shareholder.

Appointment
of officers.

57. The board of direction shall appoint all employees of the company, whatever be the nature of their employment, and shall fix the amount and the mode of payment of the salaries. If the board of direction deem that it would be equitable to pay an annual indemnity to the directors, it shall only do it by a by-law which shall receive the sanction of the majority of the shareholders convened at a regular meeting.

Access to the
books.

58. Each shareholder shall have access to the books, during the ordinary hours in which the company shall keep its office open, and shall have the right to obtain either a certificate of the number of his shares, or any extract which he shall show he is in want of, by paying to the secretary the fees fixed by the said board.

Entries shall
make proof.

59. Regular entries in the said books shall make proof of their contents and cannot be contested, unless on account of an error in calculation or an evident error of one of the employees admitted by him to be such, save by inscription in improbation.

Services of ac-
tions, &c.

60. All services of actions and all protests and other documents shall be made at the office of the company, upon the president, secretary or an employee regularly in charge of the office.

Fraudulent re-
presentations,
&c.

61. Any person, whether an employee of the company or not, who knowingly and with the fraudulent intent of defrauding the company or the persons with whom it contracts, shall make false representations to induce them, or shall induce them to accept as good titles, fraudulent or illusory titles, or as good hypothecary security, securities altogether insufficient, or who shall give to certain immovables a fictitious or supposed value;

False certifi-
cates, &c.

And every notary, registrar, valuator, architect or contractor, clerk or municipal secretary-treasurer, and all other persons presumed to have the said qualities who, with a view of defrauding, shall deliver false or incomplete certificates, or such as are null, or who shall alter, change, or modify in any manner whatsoever, the said certificates, and who, by any fraud or connivance whatever with other parties, shall endeavor to mislead and deceive any person

whomsoever, in connection with the affairs of this company,

Shall be liable to a penalty not exceeding five thousand ^{Penalty} dollars which shall be levied by the treasurer of the province on the suit of the person interested, and shall remain in his hands to secure the repayment of the sums which the bearer of the debenture or the company shall have lost by reason of the fraud so committed. The balance shall go to the profit of the province.

In default of payment of such penalty, the person offend- ^{Imprisonment.} ing shall be liable to imprisonment not exceeding two years.

62. The present act shall enter into force on the day of ^{Entry into force of this act.} its sanction.

FORM A.

I, the undersigned, advocate, duly admitted according to ^{Forms.} law to practice as such in this province, and practising in the city of Montreal, certify by these presents and return in conformity with the statute of Quebec ^{Victoria,} chap. intituled: "An Act to incorporate the Canada Landed Proprietors' Loan Company: "

That I have carefully examined an obligation executed to in the city of Montreal, in the district of Montreal, before Mtre. Faribault, notary public, duly qualified according to law, to pass such titles, to draw up deeds of agreement between parties and to give to them all necessary authenticity, the first of April, 1875, by François Delisle, Esq., merchant of the said city to "The Canada Landed Proprietors' Loan Company," a body politic and corporate, duly incorporated and having its places of business in the city of Montreal, under the number 50 in the register of the said company, for \$2,000 payable in ten years, with annual interest at the rate of four per cent, payable semi-annually, which deed of obligation was duly enregistered in the registry office of Montreal, on the 2nd April, 1875, and that at the same time I carefully examined all the titles and documents necessary to establish the validity of the said obligation, and of the nature of the hypothecary security offered by it, and that the said obligation was executed in good and due form according to the laws of this province, and that it contains all the conditions necessary to form a valid contract, offering hypothecary security of the first class, and more than sufficient to pay the amount of the said obligation, with interest, seeing that it carries a mortgage on an immovable whose value is at least one fourth higher than

the amount mentioned in the said obligation, as the whole appears clearly from the examination of the following titles and documents annexed to the said obligation, that is to say :

1. Title to the property of the hypothecated immovable being a deed of sale of the said immovable by Hubert Lortie to the said François Delisle, passed at Montreal, before Mtre. Mathieu, notary public, the 1st September, 1872, for \$3,000.00 and duly enregistered in the registry office of Montreal, on the 2nd September, 1872, (or *as the case may be*, declaration attested, under oath, by Bélair and Gohier, sworn before Thérourx, that the said Delisle holds the said immovable by inheritance, being the lawful heir of his father deceased, who was recognized as proprietor of the said property, for thirty years).

2. Certificate of the registration of the said obligation in the registry office of Montreal, on the 2nd April, 1875, and signed by G. H. Ryland, registrar, (or Plamondon, deputy registrar).

3. Extract from the municipal valuation roll of the city of Montreal, in which the said immovable is entered as being the property of the said François Delisle, and as being valued at the sum of \$3,500.00 currency, which extract is duly certified as correct, by the certificate of Glackmayer, clerk of the said city, at Montreal.

4. Report of valuation of Michael Vincent and François Naud, valuers of the said company, valuing the said property according to its actual cash price at \$4,000.00, which report was duly sworn before Mtre. Thérourx, notary, a commissioner appointed by the government to administer the oath.

5. Certificate of the registrar for the registration division of Montreal, in which is situated the immovable hypothecated, which certificate establishes that the said immovable is clear of all charges or hypothecs that could affect the hypothecary security offered on the said immovable, which certificate is attested by G. H. Ryland, registrar of the said office (or by his deputy).

6. Policy of assurance delivered by the "Stadacona" assurance company, created by Act of the Federal Parliament, 38 Victoria, chapter , having an office in Montreal, being in full operation and giving all desirable security as to solvency, which insurance policy, effected on the buildings erected on the hypothecated immovable, is for a sum of \$2,000 currency.

In testimony whereof, I have signed the present report at Montreal, this 20th April, 1875.

POTHIER,
Advocate.

FORM B.

CLASS B.

\$5000.00. PROVINCE OF QUEBEC. \$5000.00.

No. 80.

THE CANADA LANDED PROPRIETORS' LOAN COMPANY, under the authority of an act of the Legislature of Quebec, Victoria, Chapter
intituled : "*An Act to incorporate The Canada Landed Proprietors' Loan Company,*"

Promises to pay the sum of **five thousand dollars** to the bearer, twenty (20) years after date, with interest on this sum, from the first day of May, eighteen hundred and seventy-five (1st May, 1875), at the rate of **four (4) per cent** per annum, payable semi-annually, on presentation of the corresponding coupon, hereunto annexed, on the first days of May and November in each year, at the office of the **BANQUE DE FRANCE**, at Paris, (France.)

The present Debenture represents the following hypothecary obligations, executed and enregistered within the last three months, that is to say :

Obligation No. 50, enregistered at Montreal.....	\$2,000.00	Obligation No. 53, enregistered at Montreal.....	\$500.00
" " 51, " at Quebec.....	1,000.00	" " 54, " at Champlain.....	500.00
" " 52, " at Three-Rivers.....	500.00	" " 55, " at Beauharnois.....	500.00
	\$3,500.00		\$1,500.00
		Brought over.....	3,500.00
			\$5,000.00

Dated at the City of Montreal, this first day of May, eighteen hundred and seventy-five.

F. AVARD,
by and for
M. S. L.

On the report of one of the Law officers of the Crown and of the Treasurer of the Province, that the hypothecary titles above mentioned have been duly executed with all formalities required by law, to insure the validity of the said mortgages and in conformity with the provisions of the Statute of this Province, bearing that the said hypothecary obligations represent a sum equal to that mentioned in the present Debenture, and have been contracted and executed in the manner and form required in like cases, by the laws of this Province, by officers competent to that end.

(Certified at the Government House of Quebec, the 1st May, 1875,

Secy of the Province.

DE BOUCHERVILLE,

Provincial-Secretary.

COUPONS.

The Canada Land and Proprietors' Loan Company will pay to the bearer, at the Banque de France, in Paris, (France,) ONE HUNDRED DOLLARS, for SIX MONTHS interest from the first of May, 1875, to the first of November, 1875, on \$5,000 amount of Debenture, No. 80, class B.

FAVARD,

President.

MESSIER,

Secretary-Treasurer.

Montreal, 1st May, 1875.

FORM C.

The Canada Landed Proprietors' Loan Company.

Inventory of the exhibits produced with the debenture 80, class B, for inspection by the law officers of the crown, and the treasurer of the Province of Quebec.

No. 1. Delisle obligation No. 50, 1st April, 1875. \$2,000 00

50a. Title of the mortgaged property, deed of sale by Lortie to Delisle, Montreal, 1st September, 1872, Mathieu, notary public, enreg. 2nd Sept., 1872.

50b. Certificate of registration of obligation No. 50, dated Montreal, 2nd April, 1875, Ryland, registrar.

50c. Extract from the valuation roll of the city of Montreal, certified Glackmayer, clerk, 1st March, 1875.

50d. Report of valuation of Vincent and Naud, attested before Thérout, commissioner, the 10th March, 1875.

50e. Certificate of hypothecs affecting the property, 1st April, 1875, Ryland, registrar.

50f. Policy of Assurance "Stadacona," 1st January, 1875.

50g. Report of Mtre. Pothier, solicitor of the company, dated 20th April, 1875.

No. 2. Simard obligation No. 51, 1st April, 1875..... 1,000 00

51a. Title of the hypothecated property.
Deed of donation by G. Simard, *père*, to Jules Simard, Quebec, 1st June, 1870, Petitclerc, notary public, enreg. at Quebec, 2nd June, 1870.

51b. Certificate of the registration of the obligation No. 51, Quebec, 2nd April, 1875, Beaudry, registrar.

51c. Extract of the valuation roll of the city of Quebec, certified Vézina, clerk, 1st March, 1875.

51d. Report of valuation of Gaudry and Lavoie, attested before Fiset, commissioner, 8th March, 1875.

51e. Certificate of hypothecs encumbering the property, dated 1st April, 1875, Beaudry, registrar.

51f. Policy of Mutual Insurance Company of Quebec, 1st February, 1875.

51g. Report of Mtre. Pothier, solicitor of company, dated 20th April, 1875.

No. 3. Robichon obligation, No. 52, 5th April, 1875.						\$500 00	
"	4	do	do	"	53	do	500 00
"	5	do	do	"	54	do	500 00
"	6	do	do	"	55	do	500 00
							<hr/>
							\$5,000 00

MESSIER,
Secretary-Treasurer.

Montreal, 30th April, 1875.

FORM D.

I the undersigned, attorney (or solicitor) general of the province of Quebec, do report :

That, in conformity with the statute Vict. chap. intituled : "*An Act to incorporate The Canada Landed Proprietors' Loan Company*," I examined the report or professional certificate of Mtre. Pothier, advocate, practising at Montreal, dated the 20th April, 1875, concerning the value of an obligation granted to "*The Canada Landed Proprietors' Loan Company*," under the No. 50 of the register of the said company, on the 1st April, 1875, by François Delisle, of the said city of Montreal, merchant, as well as the titles and documents on which said report is based.

And I certify :

That it is regularly established in the said report that the said deed of obligation and the said titles of the said François Delisle are regular and contain all the conditions necessary to make the said obligation an hypothecary security of the first class, according to the law of this province; and that the said report of the said Mtre. Pothier is regular, in conformity with the said statute Vict. chap. and supported by all the proofs sufficient to sanction the same.

And I further certify :

1. That Mtre. Faribault, notary public, who passed the said obligation, is a public officer invested by law with the power of passing such titles, drawing up deeds between contracting parties, and giving to such deeds every character of authenticity ;

2. That the title of the said Delisle, to the property of the hypothecated immovable, is a title in good and due form, and has all the characteristics of a good title; that Mtre. Mathieu who passed it, was a notary competent according to law to pass such titles and to give to them all authenticity, and that the said title is certified as duly enregistered;

(Or, as the case may be, that Mtre. Thérourx, who received the attestation under oath of Belair and Gohier, that the said Delisle holds the said immovable property by inheritance being the lawful heir of his father, deceased, the latter being recognized as proprietor of the said immovable for thirty years) ;

3. That the said obligation was duly registered on the 2nd April, 1875, and that G. H. Ryland, who attests the said registration as registrar of the registration division of Montreal, is a government officer recognized by the law of this province to effect the said registrations, and to deliver certificates thereof ;

4. That it is established by an extract from the valuation roll of the city of Montreal that the said immovable, which is situate in the said city, is entered in the said roll as the property of the said François Delisle, and valued at the sum of \$3,500.00 ; that the said extract is certified by Glackmayer, clerk of the said city, which clerk (or secretary-treasurer) is the competent officer recognized by law to deliver such certificate, which makes proof according to law as an authentic document ;

5. That the report of the valuers, Michel Vincent and François Naud, duly sworn before Mtre. Thérourx, estimates at \$4000 the value of the said immovable ; that the said two valuers are those announced to the government as the valuers of the company, and that the said Mtre. Thérourx is competent according to law to administer the oath ;

6. That the certificate of G. H. Ryland, registrar for the registration division of Montreal, establishes that the said immovable is free from all charges and hypothecs that can affect the hypothecary security given on the said immovable ; and that the said registrar is a government officer and invested by the law of this province with the power of effecting registrations, of establishing the existence or non existence of hypothecs on the said immovable, and of delivering a certificate which makes proof as an authentic document ;

7. That the policy of insurance effected on the said immovable for \$2,000.00 was delivered by the said (Stadacona Insurance Company,) duly incorporated by act of the federal legislature, 87 Vict. Cap. 94, which company is in operation in this province and gives all desirable guarantees as to solvency ;

8. That the said Mtre. Pothier, advocate, who certifies the said report, is one of the members of the bar of the province of Quebec, duly admitted as such according to law, and practising at Montreal ;

That in such capacity he is, according to the law and usage in this province, competent to establish the validity of titles and their conformity to the law ;

That his report offers all guarantees of desirable security, and that the signature at the end of the said report is the genuine signature of the said Pothier.

VALLIÈRE,
Attorney-General.

Quebec, 25th April, 1875.

FORM E.

I, the undersigned, certify by these presents and report that I have compared the amounts mentioned collectively in the debenture No. 80, class B of The Canada Landed Proprietors' Loan Company, and forming the sum of \$5,000.00, amount of the said debenture, with those conveyed in the following six obligations granted to the said company, whose collective amount is \$5,000.00 and which are all six represented by the said debenture, that is to say :

1. Obligation No. 50, of Francois Delisle, passed before Mtre. Faribault, notary, on the 1st April, 1875, registred at Montreal, on the 2nd April, 1875, for.....	\$2,000 00
2. Obligation No. 51, of Jules Simard, passed before Mtre Faribault, notary, on the 1st April, 1875, registred at Quebec on the 3rd April, 1875, for.....	1,000 00
3. Obligation No. 52, of Joseph Robichon, passed before Mtre. Faribault, notary, on the 5th April, 1875, registred at Three Rivers, on the 8th April, 1875, for.....	500 00
4. Obligation No. 54, of Elie Trépanier, passed before Mtre. Faribault, notary, on the 3rd April, 1875, registred at Montreal, on the 4th April, 1875, for.....	500 00
5. Obligation No. 54, of François Cloutier, passed before Mtre. Faribault, notary, on the 3rd April, 1875, registred at Champlain, on the 3rd April, 1875, for.....	500 00
6. Obligation No. 55, of Pierre Hébert, passed before Mtre. Faribault, notary, on the 4th April, 1875, registred at Beauharnois, on 6th April, 1875, for.....	500 00
	<hr/> \$5,000 00

That the said amounts are correct, exactly corresponding to those in the said debenture That the said debenture

No. 80, class B., thus represents the said sum of \$5,000.00 of hypothecary obligations, being granted for the aggregate amount of the said obligations.

ROBERTSON,
Treasurer, P. Q.

Office of the Treasury Department,
Quebec, this 25th April, 1875.

Form F is included in form B.

C A P . L X X X I I I .

An Act to incorporate the Eastern Townships Land and Improvement Company.

[Assented to 23rd February, 1875.]

WHEREAS the persons hereinafter named, have petitioned for an act of incorporation, to establish an association to be called the "Eastern Townships Land and Improvement Company," whereby powers may be conferred on the said association for the purpose of buying, selling or leasing landed and other property, for the clearing and improving of farms and wild lands, for undertaking draining, sewerage and other work of a like nature, and for acquiring, constructing and carrying on manufacturing establishments, for undertaking the construction of any public or private work, for the purpose of establishing a building or subscription fund, to which persons may subscribe or pay in money for investment or for building purposes, and from which payments may be made for said purpose, and also to act as an agency; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The Honorable Matthew H. Cochrane, of the township of Compton, Senator of the Dominion of Canada; Alden W. Kendrick, of the said township of Compton, merchant; Charles King, of the town of Sherbrooke, Brigade Major; Andrew Paton, of Sherbrooke aforesaid, manufacturer; and Robert N. Hall, of Sherbrooke aforesaid, advocate, (who shall be provisional directors,) and all other persons and bodies corporate who shall, from time to time, be possessed of any share or shares in the company, shall form and are hereby constituted an incorporate association, by the name of the "Eastern Townships Land and Improvement Company," with all the rights and powers hereinafter named, necessary to properly carry out the objects of the association and incident to such corporations.

Certain persons
incorporated.

Name of the
corp.

- Capital stock.** 2. The capital stock of the company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, and may be increased from time to time by a vote of two-thirds of the shareholders present at any meeting called for that purpose; provided the said two-thirds of the shareholders shall represent at least one-half of the then paid up stock of the company; and before the company shall go into operation, one-half of the stock shall be subscribed, and ten per cent thereon paid in.
- Increase of it.**
- Issue of stock in exchange of properties.** 3. The company shall have power to issue any part of their stock or shares as unassessable and paid up shares for any property, movable or immovable, that they may desire to acquire, for the purposes of the company, as authorized by the said act; and the holders of such shares shall not be liable in respect thereof to any assessment, call or remedy by any creditor of the company whatever; provided always, that such issue of stock shall represent a fair estimate of the value of such property.
- Liability.**
- Classes of shares.** 4. The directors may issue the shares of the capital stock or such number thereof as they may see fit, from time to time, and may issue the shares in one or more classes or denominations, and distinguish the same as may be convenient; and may determine out of what profits dividends shall be declared and paid upon the whole stock, or upon such class or classes respectively; and upon their so doing the profits derived or losses arising from investments or transactions under one class of stock, shall not be participated in or borne by the owners of any other class of stock as such; provided that the directors may in an equitable manner apportion the expenses of management among all classes of stock, should there be more than one class thereof.
- Dividends, &c.**
- Proviso :**
- Different ends of the company. Power to acquire.** 5. The company shall have power to acquire and hold by purchase, lease or other legal title, any real estate or personal property necessary or requisite for the carrying out of the undertakings of such company, to clear and improve farms and wild lands, to undertake drainage or sewerage, either upon their own lands or those of other persons or corporations, to acquire, construct, maintain or carry on manufacturing establishments, to undertake the construction of any public or private work; to construct, erect, build, and maintain tenement or other houses or other buildings and premises; and to lease, let, sell, convey and dispose of the said property, or such part thereof as the company may deem for its advantage and the public convenience; and also, shall have power to acquire and use or dispose of every description of material
- To construct.**
- To lease, &c.**

for building purposes; and shall have power to lend ^{To lend.} money on security by mortgage on real estate, or on Dominion or Provincial Government Bonds, stocks or other securities, or on the stocks of chartered banks in the Dominion; the company may acquire, hold and dispose of ^{To buy public securities.} public securities, stocks, bonds, or debentures of any corporate bodies, the bonds and debentures and other evidence of debt of the Dominion or Provincial Government, municipal debentures, or debentures issued by the government in exchange for those of any town, city or municipality, constituted and ground-rents, and any moneys secured by privilege, hypothec, mortgage, pledge or otherwise, and on the titles and evidences thereof; and for the foregoing purposes they may execute such assignments or other instruments as may be necessary for carrying the same into effect. The company may effect or cause to be ^{Insurances.} effected such insurances as may be necessary to protect all its interests; and shall be invested with all the powers, ^{General Powers.} privileges, and immunities necessary to carry into effect the intentions and objects of this act, and which by law are incident to such corporations.

6. The company may act as an agency and trust company, ^{Transactions as agents, &c.} and may hold, invest, and deal in its own name or otherwise with such real estate, moneys, mortgages, hypothecs, securities, or evidences of debt, as shall, from time to time, be transferred or delivered to the company upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise, and the company may give such guarantee as may be agreed on for repayment of principal or interest, or both of any such moneys, mortgages, hypothecs, securities or evidences of debt.

7. The company may hold such real estate as, being ^{Power to hold.} mortgaged or hypothecated to them, may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease, or otherwise dispose of the same.

8. The directors may obtain money for the purposes of ^{To contract loans.} the company, from time to time, at such rates of interest, and upon such terms as may be agreed upon, and for that purpose, may make or cause to be made, bonds or other instruments under the common seal of the company, for sums of not less than one hundred dollars, which may be payable at any place, and either to order or bearer, and may have interest coupons attached; provided that the company shall not exercise the powers conferred by this section until at least twenty thousand dollars of their capital ^{Proviso :}

Loans limited. stock shall have been paid up; and, provided also, that the aggregate of the sum or sums so obtained shall not at any time, exceed the amount of paid up capital of the company for the time being; and, provided also, that the shareholders shall, by by-law or resolution regularly passed at a meeting of the company, authorize the directors to the foregoing effect, and no lender or lenders, or bearer of any instrument of the company for money lent, shall be bound to enquire into the validity of any resolution or by-law authorizing the same, or the purpose for which such sum or sums are required or obtained.

Management of the affairs. **9.** The affairs of the company shall be managed by a board of not less than three nor more than seven directors, and the persons named in section one of this act, shall be the directors of the company until replaced by others duly elected in their stead.

Provisional directors. **10.** No person shall hereafter be named a director unless he be a shareholder owning stock to the amount of at least one thousand dollars in his own right, and not in arrears in respect of any call thereon; and the major part of the directors must be resident within the province of Quebec.

Qualification of the directors. **11.** The directors to be hereafter appointed shall be elected by ballot, or by acclamation without a ballot if so agreed upon, by the shareholders in a general meeting of the company assembled, at such time, in such manner, and for such term as the by-laws of the company may prescribe; and until a by-law shall be made for the purpose, the election shall take place annually.

Election of the directors. **12.** The chief office of the company shall be in the town of Sherbrooke, branch offices or agencies may be established elsewhere, for such purposes as the directors may determine in accordance with this act; and the bonds, coupons, dividends, or other payments of the company may be made payable at any of the said offices or agencies, and in sterling or currency.

Chief office. **13.** The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to this act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and

Power of the directors to administer, &c.

By-laws.

of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of directors, their term of service, time and manner of their election, and the quorum necessary for the transaction of business, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers, and servants of the company, the security to be given by them to the company, their remuneration, the time at which and place where the annual meetings of the company shall be held, the calling of meetings regular and special of the board of directors, and of the company, the requirements as to proxies, and the proceedings in all things at such meetings; the allowance of discount or additions for repayment of moneys becoming due and payable to the company, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company, and may, from time to time, repeal, amend or re-enact the same; and every such by-laws, and every repeal, amendment, or re-enactment thereof shall remain in force until rescinded at a general meeting of the company duly called for that purpose; provided always, that one-fourth part in value of the share-holders of the company shall, at all times, have the right to call a special meeting thereof, for the transaction of any lawful business specified in such written requisition and notice as they may issue to that effect.

14. A copy of any by-law of the company, under its seal, and purporting to be signed by the president or secretary of the company, shall be received as *prima facie* evidence of such by-law in all courts of law or equity in this province.

Special meeting.

Certified copy of by-laws shall be evidence.

15. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only and subject to all such conditions and restrictions as by the by-laws of the company shall be prescribed.

Stock deemed personal property.

16. The capital stock shall be allotted when and as the directors by by-law or otherwise may ordain, and the directors of the company may call in, and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places and in such payments or instalments as this act may require or allow, and interest shall accrue and fall due upon the amount of any unpaid call, from the day appointed for payment of such call.

Allotment of the capital stock.

17. The company may enforce payment of all calls and interest thereon, by an action in a competent court, and in

Power to recover payment of calls judicially.

Allegations.

Proof of the debt.

such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more (stating the number of shares) and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more (stating the number of calls and the amount of each) whereby an action hath accrued to the company under this act; and a certificate under their seal, and purporting to be signed by the president or secretary of the company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Transfer of actions

18. No share shall be transferable otherwise than in the manner and at the time or times which may be provided for in a by-law to be passed by the company as provided for in section fifteen of this act, and until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Effect of the shareholder in arrear.

19. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company.

Transmission of interest in certain cases, how made.

20. The transmission of the interest in any share of the capital stock in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner as the directors shall from time to time require, or by any by-law may direct.

Case of doubts as to legality of claims.

21. If the directors of the company shall entertain doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the company to make and file in the superior court for Lower Canada, a declaration and petition in writing, addressed to the justices of the said court, setting forth the facts, and praying for an order or judgment, adjudicating or awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment, the company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom; provided always, that notice of such petition shall be given to the party claiming such shares, who shall upon the filing of such petition establish his right to the several shares referred to in such petition; and the delays to plead

and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said superior court ; provided also, that unless the said superior court otherwise order, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong ; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right, other than the said company.

22. Every shareholder shall be entitled to as many votes Right to vote. as he owns shares in the company, and may vote by proxy, under such arrangement as may be agreed on or provided for in the by-laws.

23. Vacancies occurring in the board of directors may be filled for the unexpired term by the board from among the Vacancies in the board. qualified shareholders.

24. The directors shall, from time to time, elect from President and officers. among themselves a president and vice-president of the company, and shall also appoint, and may remove at pleasure, all the other officers thereof.

25. If at any time an election of directors be not made Default of election of the directors. or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected.

26. The company shall cause a book or books to be kept Books. by the secretary or by some other officer specially charged with that duty, wherein shall be kept recorded :

1st. The names alphabetically arranged of all persons who are or have been shareholders ;

2nd. The address and calling of every such person while such shareholder ;

3rd. The number of shares of stock held by each shareholder ;

4th. The amount paid in and remaining unpaid respectively on the stock of each shareholder ;

5th. All transfers of stock in their order as presented to the company for entry with the date and other particulars of each transfer, and the date of entry thereof,—and

6th. The names, addresses, and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director.

Irresponsibility of the comp.

27. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive in respect of any shares, and the receipt of the shareholder in whose name the same may stand in the books of the company shall be a valid and binding discharge to the company, for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Agreements, &c., by certain officers in the name of the company obligatory.

28. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn, or endorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order, nor shall the party so acting as agent, officer or servant of the company be thereby subjected individually to any liability whatever to any part therefor; provided always, that nothing in this section shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank.

Proviso:

Personal liability.

29. No member of the company shall be liable for or be charged with the payment of any debt or obligation of, or demand due from the company—beyond the amount unpaid on any shares in the capital of the company held by him.

Certain persons not liable.

30. No person holding stock in the company, as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner, and to the same extent as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such fund or trust fund would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

31. Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder. Right of those persons to vote.

32. The company may establish and provide for a building fund, to which persons may become subscribers, and pay in or deposit moneys, from time to time, for investment or building purposes or withdrawals, in the manner, at the times, at the rate of interest, and on the conditions established by order or by-law of the directors, or as may be agreed upon between the said subscribers and directors. Building fund.

33. Upon an agreement made by the said company for the sale of any house or other real estate held thereby, it shall be lawful for the said company to execute, in favor of the intending purchaser thereof, a lease thereof for the time stipulated in such agreement of sale, as the limit of the delay thereby fixed for the payment of the last installment of the price therein agreed upon, at a rental corresponding in the amount and in the terms of payment thereof, with such prices and with the terms of payment of such price. And if such lease appear by its terms to have been made under the provisions of this act, it shall not be held to convey, to such intending purchaser, any right in or to the property intended to be sold, or any real right therein whatever, nor shall the possession thereof, by the intending purchaser, be held to be a possession as proprietor, nor shall any legal or other hypothec be created or attached thereon, notwithstanding that such lease shall contain a direct promise of sale of such property as soon as the conditions thereof shall have been performed, until the sum of money in such lease stipulated for, and every part and portion thereof shall have been fully paid with all interest due thereon, nor until all charges, conditions and obligations created by or due under such lease, shall have been fully paid, performed and fulfilled. Right of sale by mean of a lease. Delay. Price. Effect of that lease.

34. If the intending purchaser or lessee, having accepted a lease under this act, of the property intended to be acquired by him from such company, shall make all the payments and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him, the said lease shall thereupon and thereafter be held to be and shall be equivalent to a promise of sale of such property with possession, and shall vest the same in such intending purchaser in the same manner and to the same extent, as if it were an ordinary promise of sale (*promesse de vente*), with possession, and shall give the right to the holder thereof to demand and have, from the Effect of certain conditions performed by the buyer.

said company, a valid deed of sale of the property mentioned therein, containing warranty of title and against all charges thereon ; and all hypothecs and privileges, whether conventional or legal, which were created by the intending purchaser during the pending of said lease, shall immediately thereupon attach to such property, according to their rank and privilege, and the date of their registration, in the same manner as if the same had been the property of such intending purchaser from the date of such lease.

In certain cases right to retake possession.

35. If at any time, twelve months' arrears of the instalments stipulated for in any such lease shall become due and shall remain unpaid, the said company shall have the right to re-take possession of the property intended to be sold, upon giving to the intending purchaser or lessee thirty days' notice to vacate and deliver back the same, and tendering to him the amount by him actually paid on account of the instalments agreed upon in the said lease, and the value of any improvements made thereon, as estimated by *experts*, after the deduction therefrom of interest at the rate of ten per centum per annum, on the price agreed upon remaining unpaid each year, for the time during which the premises agreed to be sold, remained in the occupation of the intending purchaser, by way of rent for the use and occupation of such premises, and of ten per centum of the amount actually paid in to be retained as a forfeiture and penalty for non-performance of the agreement of purchase, of the cost of such tender, of the expense of repairs, and restoring all injuries and deteriorations suffered by the premises so intended to be sold, reasonable tear and wear excepted, and of all taxes, charges, and assessments which attached thereto by the occupation thereof, by the intending purchaser or lessee, and which shall then remain unpaid, all which charges and deductions shall be a first and privileged charge upon the amounts so actually paid in by him. But if the instalments payable annually under such lease, shall amount to less than ten per centum upon such price, then, and in that case the amount to be deducted for rental, shall be the amount of instalments stipulated for in such lease.

Ejectment.

36. If at the end of thirty days after service of such notice and tender, the intending purchaser or lessee shall not vacate and deliver back to the said company the premises intended to be bought by him, the said company shall have the right to cause him to be ejected therefrom by proceedings to be taken under the provisions of the first chapter of the second title of the second book of the code of civil procedure of Lower Canada, commencing with article 887, in all respects in the same manner and with the same delays

as if such lease were an ordinary lease; save and except only that the jurisdiction of the court which shall have the right to hear and determine such proceedings shall be ascertained, regulated and established by the amount which shall have been actually paid to the company under such lease, and not by the amount due or that of damages alleged. And the costs awarded to the said company in any action instituted under this act shall also be a charge upon and be deducted from the amount of money actually paid in by the intending purchaser, and the value of improvements aforesaid.

37. In the event of the surrender of any property so leased as aforesaid, and of the sum of money actually paid in by the intending purchaser being insufficient to meet all the charges thereon and deductions therefrom herein provided for, the said company shall have the same lien, privilege and remedies as an ordinary lessor upon the effects of the intending purchaser or lessee for the balance remaining due; provided always, that such balance does not exceed in amount the sum chargeable against such intending purchaser by way of rental for the use and occupation of the premises intended to be sold. Case of the surrender of a property. Provision :

38. Any description of action may be prosecuted and maintained between the company and any shareholders thereof, and any shareholder not being himself a party to such suit shall be competent as a witness therein. Actions.

39. If at any time the directors consider it expedient to cease carrying on the business of the company and to wind up and close it, they shall have the power to do so in such manner as they shall deem best for the interests of the stockholders, provided that the consent of a majority of the stockholders present at any meeting thereof be obtained thereto—in the notices for the calling of which, the intention of considering the winding up thereof shall have been mentioned; provided always, that such majority of stockholders shall be the *bonâ fide* owners of at least two-thirds of the subscribed stock of the company. Right to wind up and close the business.

40. This act shall come into force on the day of its sanction. Coming into force of this act.

CAP. LXXXIV.

An Act to incorporate "The St. Pierre Land and Manufacturing Company."

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the persons hereinafter named have petitioned for an Act of incorporation to establish a joint stock company, to be called "The St. Pierre Land and Manufacturing Company," with power to hold real estate, to erect factories and houses and other buildings in connection with the purpose of the said company, to carry on any manufacturing business in such factories, or to lease or sell any of the same, and to make advances upon security to the lessees or purchasers of such factories; and whereas the establishment of the said company would foster manufactures and contribute thereby to the prosperity of the province; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Corporation and name.

1. A corporation is created and constituted to be known as and called "The St. Pierre Land and Manufacturing Company."

Capital stock.

2. The capital stock of the said company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each.

Chief place of business.

3. The chief place or seat of business of the said company shall be in the city of Montreal.

Purposes of said company:

4. The purposes of the said company shall be and it shall have power to acquire, by purchase, lease or other legal title, real estate within the province of Quebec, suitable for manufacturing purposes, with all rights and privileges thereunto appertaining; to develop and improve such real estate, and to construct, erect and maintain thereon buildings to be used for manufacturing purposes, and stores, houses and other buildings appropriate to the purposes intended; to fit up and equip any of the buildings built for or to be used as factories with all requisite machinery; from time to time, to lease and let, and at any time, to sell, convey and dispose of the said property or of any part thereof; to carry on any kind of manufacturing business in the said factories or buildings so to be built; and to make advances upon such terms and on such security as may be agreed upon, to any person or persons who may lease or purchase any portion of its

To construct.

To lease.

Manufacturing business.

Advances.

real estate or any building thereon, for the purpose of carrying on thereon or therein some manufacturing business ; provided however, that no advance be made on the security of the stock of the company to an amount exceeding seventy-five per cent of its full value ; provided also, that the yearly rental of the real estate to be held at any time by the said company shall not exceed one hundred thousand dollars, and that it shall sell any real estate or land acquired by it and left vacant or unbuilt upon, or undeveloped or unimproved within ten years from its acquisition thereof, and any real estate so acquired by it, which it has developed and improved and built upon, within twenty years of its acquisition of the same.

Proviso :

Limitation.

5. For the purpose of organizing the said company, and raising the amount of the said capital stock, Dugald J. Bannatyne, Michael C. Mullarky, William H. Hingston, Duncan Coulson, Jeremiah Forgarty, Gotlieb Reinhardt, and John McEntyre, all of the said city of Montreal, shall be the provisional directors thereof, and a majority of them shall be a quorum. They shall cause stock books to be opened, in such manner, at such place, and for such time as they shall deem advisable and proper, and they shall receive in the same, the subscriptions of such persons as desire to become shareholders in the said company, and shall allot the stock in such manner, on such conditions, and to such persons as to them shall seem fit ; and as soon as the capital stock shall have been subscribed upon the said stock books, and have been allotted, and fifty thousand dollars shall have been paid up, they shall call a public meeting of the shareholders by notice to be given at least eight days previously thereto, in one newspaper published in the English language, and in another published in the French language, in the said city of Montreal, and at such meeting, the shareholders shall elect the first directors, and thereupon the said company shall be duly organized, and may commence to carry on the business for purposes for which it is incorporated, and the functions of the said provincial directors shall cease.

Provisional directors.

Stock books.

Meeting and election of directors.

6. The number of directors of the said company shall be seven, subject however to be increased or diminished from time to time by by-law.

Number of directors.

7. The joint stock companies general clauses act shall apply to the said company, in the same manner as if it formed part of this act, except in so far as the same may be inconsistent with the provisions of this act.

The act 31 V., c. 24, shall apply.

CAP. LXXXV.

An Act to incorporate "The Canadian Meat and Produce Company."

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS "The Canadian Meat and Produce Company," (limited,) have, by their petition, represented that they have been organized and established with limited liability in accordance with the provisions of "The Company's Acts, 1862 and 1867," passed by the Imperial Parliament, as a public company and corporate body, for the purposes stated in their memorandum of association, with a capital of two hundred thousand pounds sterling money, divided into twenty thousand shares of ten pounds each; and that the said petitioners are desirous that an act should be passed by the legislature of the province of Quebec to vest in said petitioners all the powers necessary for the proper organization, encouragement, and maintenance of said company, within the said Province of Quebec; and whereas great advantage is likely to result to this province by the establishment herein of said company's operations, by increasing the demand for and consumption of the products of this province, and by encouraging immigration of skilled laborers and others; and it is therefore expedient, to grant the prayer of said petitioners to the extent hereinafter mentioned; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

Name of the corp.

General powers.

Chief place of business.

1. All such persons as now are or hereafter shall become members of the said company, and their respective executors, administrators, and assigns, shall be and are hereby constituted a body corporate and politic, by and under the name and style of "The Canadian Meat and Produce Company," with full authority to exercise all the rights, powers and privileges, within and throughout the province of Quebec, hereinafter mentioned, and their main office and principal place of business shall be at the town of Sherbrooke in said province, or elsewhere in said province.

Powers:

2. The powers hereby conferred on the said company, are the following:

To purchase.

1. The purchasing, leasing or otherwise acquiring lands, tenements, buildings, works and other real estate in any part of the province of Quebec, for the purposes of the company, and the selling, exchanging, mortgaging or otherwise disposing thereof;

To borrow.

2. The borrowing money upon debentures or otherwise, and the issuing of debentures to an amount not exceeding

two-thirds of the capital from time to time paid up, the said debentures to be signed by the president and secretary of the said company, numbered from one consecutively, and sealed with the company's seal ;

3. The buying, breeding, keeping, selling or slaughtering cattle, or any other animals, and preserving, or in any way treating the meat, or any other part of the bodies of such cattle or other animals, or the meat or any other part of the bodies of any cattle or other animals slaughtered by other persons, or buying, manufacturing or selling any substance produced or derived from any of the matters mentioned in this section ;

To breed and deal, &c., in cattle, &c.

4. Manufacturing, extracting, purifying, preparing, converting, or in any way treating, or buying and selling, any fats, oils, soaps, or fatty, oily, or soapy substances, whether animal, vegetable or mineral, or any substances more or less analagous or related thereto, or manufactured, produced or derived therefrom ;

To manufacture oils, soaps, &c.

5. The purchasing, growing, preparing, or in any way treating, and selling fish, lobsters, fruits and any other animal or vegetable products suitable for food, or from which substance fit for food may be prepared, and buying, manufacturing, or selling any substances produced or derived therefrom, or more or less analagous or related thereto, whether suitable for food or other purposes ;

To breed, trade, &c., in fish, &c.

Divers substances.

6. Acquiring by grant, purchase, or license and exercising any patents or patent rights, *brevets d'invention*, or copyrights which may be available for the purposes of the company.

To acquire by grant, &c.

7. Constructing and maintaining, or contributing to construct and maintain houses, and other buildings, for the use and benefit of the workmen and others, from time to time employed by the company ;

To construct for certain purposes.

8. Doing all or any of the matters herein authorized, and either alone, or in partnership, or conjunction with, or as factors, or agents for any other companies or individuals ;

General business.

9. Accepting or taking shares or stock in any company, society or undertaking, or the stock or securities of any government or state, whether British, Colonial, or Foreign, whether in connection with objects mentioned in this act, and either holding or selling such shares or stock ;

To take stock, &c.

10. Selling, demising, letting or licensing the use of, or in any other way dealing with, or disposing of all or any part of the business and property of the company for the time being ;

To dispose of the business and properties of the comp.

11. Making and carrying into effect arrangements with respect to the union of interests, or for joint working or amalgamation, either in whole or in part, with any other company or persons carrying on any business similar to that of this company, and upon the terms either that so far

Amalgamation of companies.

Conditions,

as is consistent with this act, this company or the other company, or the person with whom it shall make the arrangements, or some other company or person shall carry on the amalgamated business; selling to any company or persons all or any part of the company's business or property; purchasing from any company or persons all or any part of their business (being of any of the kinds hereby authorized,) properties and liabilities.

Liability. **3.** The liability of the shareholders of the company shall be limited to the amount of their unpaid stock.

Capital. **4.** The capital of the company is two hundred thousand pounds sterling, divided into twenty thousand shares of ten pounds each; which capital may be increased by resolution of the company, and said shares and all other shares, of which the present, or any future capital of the company shall consist, may be divided into different series, and may have such preference, guarantee or privilege, as between themselves, as shall be determined by the regulations of the company, existing from time to time, and said capital may at any time by resolution of shareholders be changed to one million dollars, divided into twenty thousand shares, of fifty dollars each.

Certified deed shall be evidence. **5.** Every deed or instrument relating to the business or property of said company, signed by the president and secretary, or by two of the directors and the secretary, or by the managing director and secretary, and all copies of the company's by-laws or resolutions certified under the seal of the company by the secretary of said company, and any such deed or instrument, or any such copy of by-laws or resolution, so signed and executed, shall have full force and effect, and shall be *prima facie* evidence in all courts in this province, and for all proceedings, judicial or extra judicial.

Directors. **6.** The directors chosen at the shareholders meetings held in Great Britain, under the provisions of the charter granted there under the company's acts, and the additional directors since chosen by the board in accordance with the provisions of the company's articles of association, to wit: Emmanuel Butcher, John Miller and Clifton Shield, all of London, England, Hugh Brown, of Edinburgh, Scotland, and William Woodman Lander, of Surrey, England, Honorable Matthew H. Cochrane, of the township of Compton, province of Quebec; Charles N. Armstrong, Romeo H. Stephens, and Lieut. W. H. Smith, R. N. R., all of Montreal; and John Lawson Johnston, and Robert N. Hall, both of the town of Sherbrooke, in said province of

Quebec, are hereby declared to be the directors of said company, and shall so continue until the election to be held by the shareholders under this charter at the first general meeting as hereinafter provided.

7. The first general meeting of shareholders under this act shall be held at the company's office in Sherbrooke, on the first Tuesday in June next, and on the same day of each subsequent year, and public notice thereof shall be given by advertisement in a newspaper published at said town of Sherbrooke. ^{1st general meeting of shareholders.}

8. The company may make by-laws, establishing qualification and remuneration of directors, use of proxies, and all other matters affecting the management of said company's affairs, and the Joint Stock Companies general clauses Act, in force in this province, shall be applicable to the management of said company's affairs in all respects where not inconsistent with the provisions of this charter. ^{Power to make by-laws. 31 V., c. 24, applies.}

9. And whereas it is believed that the operation of said company will be beneficial to this province, and particularly to the rural and agricultural districts therein, and certain municipalities have expressed a desire to aid said company by contributing a bonus thereto in cash or otherwise, or by exemption from taxation; it is hereby enacted that any county, town, township, parish or village municipality may by by-law contribute to said company a bonus in cash or other property real or personal, for the amount already promised, or may exempt said company from taxation for any number of years not exceeding twenty, or both, and any further assistance shall be submitted to the approbation of the rate payers. ^{Aid to the company by the counties, towns, &c.}

10. This act shall come into force from the day of sanction thereof. ^{Coming into force of this act.}

CAP. LXXXVI.

An Act to incorporate "The Sherbrooke Manufacturing Company."

[Assented to 23rd February, 1875.]

WHEREAS Samuel J. Foss, Charles King, Lindsay B. Lawford, William White, Francis D. Gilbert, and William B. Ives, all of the town of Sherbrooke, in the district of St. Francis, have, by their petition, prayed that they might be incorporated under the name of "The Sherbrooke ^{Preamble:}

Manufacturing Company," for the purpose of securing and maintaining manufacturing enterprises in the said district of St. Francis, and it is expedient that the prayer of their petition be granted ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain persons incorporated.

Name of the corporation.

General powers.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the company, to be by this act created, shall be and they are hereby constituted and declared to be a corporation, body corporate and politic, by the name of "The Sherbrooke Manufacturing Company," and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, plead and be impleaded in all courts of law, and shall have power to acquire and hold, in addition to personal property, real or immovable estate, for the purpose of their business aforesaid.

Power to acquire, &c.

To lease.

To construct, &c.

2. The said corporation shall have power to acquire lands or personal property from any individual, corporation or company, either by purchase, exchange, donation or lease, and may from time to time, sell, lease, or otherwise dispose of the same, and acquire others, and may construct dams, canals, and roads within and upon their lands, and may erect and maintain machine shops and factories, lodging and tenement houses, and may sell or lease the same, and may construct tramways for the purpose of connecting the property, to be acquired and held by them, under this act with any railway, and may propel carriages thereon, either by steam or horse power, as may be found most expedient, and all such other works or erections as shall be requisite to give effect to the full intent and meaning of this act.

Power to amalgamate with other companies.

Provide :

3. And whereas it may hereafter, prove desirable or advisable, to consolidate and amalgamate with the said "The Sherbrooke Manufacturing Company," the business and assets of other companies, in order to greater economy and efficiency of management, it is hereby declared and enacted that any company, now or hereafter formed, either under the Joint Stock Companies general clauses Act, or by special act of incorporation, shall have the power to sell, exchange, or lease either temporarily or perpetually to the said "The Sherbrooke Manufacturing Company," the whole or any portion of their property, real or personal, provided only that at a special general meeting of the shareholders of such company, proposing to sell or dispose of its assets—a majority in amount of the stock then represented, shall, by resolution, approve of such proposed sale or lease.

4. In case any municipality wishing to encourage said company to erect, acquire or maintain manufacturing establishments in its vicinity, shall desire to give such encouragement either by exemption of said company's property from municipal taxation for a term of years not exceeding twenty, or by granting to them a bonus in cash or otherwise, or by taking stock therein, it shall be lawful for such municipality so to do, after having obtained the consent of rate-payers. Aid from municipalities.

5. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; but the said stock may be increased by a vote of shareholders to that effect; but not until the whole of said one hundred thousand dollars shall have been subscribed and fully paid up. Capital stock. Increase thereof.

6. The honorable Matthew H. Cochrane, of the township of Compton, Edward Chapman, of the village of Lennoxville, together with the persons named, shall be the provisional directors of the said company, with power to open books of subscription for the stock of said company, and to receive subscriptions for the said stock, and to do such other things relative to the said subscriptions and the management of the affairs of the said company and its organization, as it may be requisite to do, before the first general meeting of the stockholders, for the election of directors as hereinafter set forth. Provisional directors. Books of subscription.

7. As soon as the sum of twenty thousand dollars of the said capital stock shall have been subscribed, and ten per cent. actually paid in thereupon, it shall be lawful for the provisional directors to call a meeting of the shareholders at Sherbrooke aforesaid, for the purpose of organizing, under said charter, and for the election of permanent directors, and for adopting by-laws and regulations for the management of the company and its affairs. Permanent directors.

8. The affairs of the company shall be managed by a board of five directors; but no person shall be qualified to act as director, unless he is a shareholder in the company to the extent of five shares, and not in arrears in respect of any calls thereon. Management of affairs. Qualification of directors.

9. The company may borrow, under the authority of this act, and for carrying its provisions into effect, to the extent at any time of its paid-up capital, on such terms as may be found expedient, and may give a valid mortgage and hypothec upon the real estate of said company, signed by the president and secretary thereof, after being duly authorized Power to contract loans.

thereto, under the provisions and regulations of the by-laws of the said company.

Issue of preference stock.

10. After the organization of said company as hereinbefore provided, the shareholders, by resolution to that effect, may issue preference stock to such amount as may be thought necessary and advisable, and the profits of said company shall thereupon be used first for payment of the interest or dividend stipulated upon such preference stock, and the balance remaining shall be distributed *pro rata* on all the paid-up stock of said company; but special notice of the intention to issue such preference stock shall be given at least two weeks prior to the meeting called for that purpose, by a letter addressed and mailed to each ordinary shareholder.

Application of 31 V., ch. 24.

11. The several provisions of the Joint Stock Companies General Clauses Act, passed by the legislature of Quebec, in the thirty-first year of Her Majesty's reign, chap. twenty-four, and any amendments thereof, shall apply to the present act in so far as applicable thereto.

Coming into force of this act.

12. This act shall come into force from the time of its sanction.

C A P . L X X X V I I .

An Act to amend the Act intituled: "An Act to incorporate the Ottawa Iron and Steel Manufacturing Company, (limited)."

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS the said company have petitioned to amend their act of incorporation by reducing the shares in their capital stock to twenty-five dollars each, instead of five hundred dollars each; and also, by reducing the qualification of the directors of the company to two thousand dollars of stock, instead of five thousand dollars, and it is deemed expedient to make the amendments so required; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Sec. 7 of 37 Vict., ch. 55, amended.

1. The seventh section of the act of last session, 37 Victoria, chapter fifty-five, shall be, and the same is amended, as follows: the word "one," in second line, is struck out, and the word "twenty," is inserted instead thereof; and the words "five hundred," in the third line thereof, are struck out, and the words "twenty-five," are inserted instead thereof.

2. The thirteenth section of the said act shall also be Sec. 13 of said act, amended. amended, and the same is amended as follows: the word "ten," in the third line thereof, is struck out, and the word "eighty," is inserted instead thereof.

3. This act shall come into force on the day of its sanc- Coming into force. tion.

C A P . L X X X V I I I .

An Act to re-incorporate the Megantic Mining Company, and continue in them all the rights of property and other rights heretofore vested in the Megantic Mining Company, by the Act 18 Victoria, chapter 49, which last mentioned Act, has lapsed.

[Assented to 23rd February, 1875.]

WHEREAS George Hall and others have, by their Preamble. petition, represented that they were incorporated under and in virtue of the Act 18 Victoria, chapter 49, for the space and term of fifteen years: that the said term of fifteen years have elapsed; and that the company have by inadvertence allowed their said charter to lapse; and whereas the petitioners represent that they are possessed of divers valuable properties and mining rights in the County of Megantic, and have prayed for the passing of an Act re-incorporating them under the same name of the "Megantic Mining Company," and continuing in them all the rights and obligations of the said company under the said Act, 18 Victoria, chapter 49, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The petitioners, and their associates together, with all Corporation. such persons who shall hereafter become shareholders, shall be and are hereby constituted a body politic and corporate under the name of the "Megantic Mining Company." Name thereof.

2. In order to continue the work of exploring and mining for which they were incorporated in and by the act 18 Victoria, chapter 49, and to carry on the business of mining, on the valuable lands which they possessed at the time of the expiration of their said charter, and of which they still continue to be seized and possessed, the said petitioners and their associates, shall be and they are hereby re-incorporated for all, each and every the purposes for which they were incorporated in and by the said 18 Victoria, chapter 49, and the present corporation shall be and Corporate powers continued.

Liability for
the payment
of old debts.

Rights of ac-
tions, &c., not
affected.

they are hereby vested with all the rights of property in and to the lands and tenements which belonged and were vested in the said corporation, at the time that the said act of incorporation lapsed, in the same manner, and as fully and beneficially to all intents and purposes, as if the said act of incorporation had not been permitted to lapse; but had been continued by an act of parliament; and also the shareholders of the present incorporation shall be and they are hereby held to be liable, and bound to the payment of all debts and liabilities to which the shareholders of the said Megantic Mining Company were liable to whomsoever, the same may be, as fully to all like intents and purposes, as if the said act had not lapsed, and all rights of action by the said Megantic Mining Company, against any person or persons, and for any cause or causes whatsoever, and all actions by the said Megantic Mining Company, or by any person whomsoever, against the said Megantic Mining Company, at the time of the dissolution thereof, or since, shall rest respectively in favor of the present corporation, and against the present corporation, as fully to all intents and purposes, as if the said 18 Victoria, chapter 49, had been and was continued by the present act.

Board of direc-
tors.

3. Until the first election of directors, which shall take place as enacted by the said 18 Victoria, chapter 49, the said George Hall, John Porter, George Veasey, James Douglas, junior, and Charles Veasey MacDonald Temple, shall be a board of directors of the company, with all the powers conferred upon the directors of the said Megantic Mining Company, in and by the said 18 Victoria, chapter 49.

By-laws conti-
nued.

4. The by-laws of the said Megantic Mining Company, enacted and made under and in virtue of the said 18 Victoria, chapter 49, shall and will continue to be the by-laws of the present company, with power to alter the same hereafter, in the same manner as they could have been, altered in virtue of the said last mentioned act.

Provisions en-
acted anew.

5. All and every the provisions of the said 18 Victoria, chapter 49, are hereby re-enacted and incorporated in the present act, and shall and will be read, held and taken to form part of the present act, with the exception of clause 26 of the said 18 Vict., cap. 49, which is not re-enacted.

Exception.

CAP. LXXXIX.

An Act to incorporate "The Sherbrooke Gas Company."

[Assented to 23rd February, 1875.]

WHEREAS there is a present and prospective increase of Preamble.
 population and buildings, both in the town of Sherbrooke, and in the neighboring municipalities, and a demand for a cheap and effective mode of supplying light as well to the streets and public places, as to the public and private buildings and manufacturing establishments therein has been made; and whereas the several persons hereinafter mentioned have, by their petition, prayed that they, and such others, as are now or may hereafter be associated with them in their enterprise, under the title hereinafter mentioned, be incorporated for the purpose of furnishing gas or other illuminating material to said town and municipalities, and for dealing in coal, coke, coal-tar and other substances used and employed in or incident to the manufacture of gas or other illuminating material, and whereas a large amount of stock hath already been subscribed by said persons and others, to promote said enterprise, and it is expedient to grant the prayer of said petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Charles King, Edward T. Brooks, Thomas Logan, Robert N. Hall, Francis D. Gilbert, James A. Gordon, Joseph A. Archambault, Wright Chamberlin and Richard D. Morkill, all of the town of Sherbrooke, and the honorable Matthew H. Cochrane, of the township of Compton, together with all such persons as now are or hereafter may become shareholders in the company hereby established, shall be, and they are hereby constituted a body politic and corporate to the ends, and for the purposes in the preamble to this act stated, by the name of "The Sherbrooke Gas Company," and by that name shall have perpetual succession and a common seal, with power to break and alter the same, and, by that name, shall and may sue and be sued, implead and be impleaded in all courts of law and equity, with power to purchase, take and hold real and personal property of every kind and description for the use of the said company, and the same to alienate and mortgage.

Certain persons incorporated.
Corporate name
General powers.

2. The head office and chief place of business of the said company, shall be in the town of Sherbrooke; but the company's work and business may be carried on and transacted in all or any of the neighboring municipalities hereinafter mentioned.

Head office of business.

Capital stock. **3.** The capital stock of the said company shall consist of one hundred and twenty thousand dollars (with power to increase as hereinafter provided,) in shares of fifty dollars each; sixty thousand dollars to be now issued, and the remaining half at the discretion of the directors; provided always, that the subscribers, to the first issue shall be entitled to subscribe to such remaining stock *pro rata* to the stock held by them, in preference to all others.

Power to increase the same.

Proviso:

First directors. **4.** The said Charles King, Edward T. Brooks, Thomas Logan, Robert N. Hall, Francis D. Gilbert, James A. Gordon, Joseph A. Archambault, Wright Chamberlin, Richard D. Morkill, and the honorable Matthew H. Cochrane, shall be the first directors of the said company, and shall continue in office until the first general meeting of stockholders hereinafter mentioned.

1st gen. meeting of the shareholders.

Annual meetings.

Failure to elect directors.

Retiring directors.

5. The first general meeting of stockholders, shall take place at the town of Sherbrooke, on a day to be nominated by the said directors, within six months from the passing of this act, and the ensuing annual meetings shall be held on the same day in each year thereafter, at such place and hour as may be appointed by the by-laws of the company, or by the directors in their default. But a failure to elect directors on the day and in the manner prescribed, shall not dissolve the company; but such election may take place at any general meeting duly called for that purpose; and the retiring directors shall continue in office, until their successors are elected.

Directors.

6. At such first and subsequent meetings, ten directors shall be elected to hold office until their successors are appointed as above provided.

Quorum.

7. Any three of the said directors, whether those appointed by this act, or subsequently elected, shall form a quorum, and may exercise all the powers devolving upon and vested in said directors.

Calling of shares.

Amount thereof. Interval.

8. The shareholders of the said company shall be bound to pay the amount of their subscriptions, as they may from time to time be called upon by the directors; but each of the calls, to be made by said directors, shall not be for more than ten per cent, of the amounts subscribed for, and there shall be an interval of at least one month between each of the said calls, and the stock-book heretofore opened and in which signatures have been received for the stock of said company, shall be deemed to be the stock-book of said company, and the general subscriptions therein made, shall be valid, and binding upon each person who shall have subscribed his name therein.

9. It shall be lawful for the said company to break up, dig and trench so much and so many of the streets, squares, highways, lanes and public places within the limits of the town of Sherbrooke, and the township of Ascot, of the village of Lennoxville, of the township of Orford, or of any one of said corporations, having obtained permission so to do, as may be necessary for laying down the mains and pipes to conduct the gas or illuminating material from the works of the company to the consumers thereof, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places, while the works are in progress.

Power to do
certain works,
&c.

10. Where there are buildings within the said limits, the different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the company may carry pipes to any part of any building so situate, passing over the property of one or more proprietors, or in the possession of one or more tenants, to convey the gas or illuminating material, to the property of another or in the possession of another

Power to carry
pipes to convey
the gas.

11. The company may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein, for the purpose of laying down pipes or taking up or repairing the same, doing as little damage as may be, in the execution of the powers granted by this act; and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, for all damages to be by them sustained in or by the execution of the powers granted by this act; subject to which provisions this act shall be sufficient to indemnify the company, their servants and those by them employed for what they or any of them shall do in pursuance of the powers granted by this act.

To do certain
works for fix-
ing them.

Damages.

12. The said company shall so construct and locate their works and all apparatus and appurtenances thereunto belonging or appertaining so as not to endanger the public health or safety.

Construction of
apparatus, &c.

13. In case the said company shall open or break up any street, square, or public place, and shall neglect to keep the passage of the said street, square or public place, as far as may be, free and uninterrupted, or to place guards or fences with lamps, or to place watchmen, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said streets, squares or public places, without unnecessary delay, or

Excavations,
&c., to be
guarded.

Neglect in
such case.

when notified so to do by the town inspector, or other municipal officer, or to repair any damage that may have been caused to such street, square or public place, by reason of any works done therein by the said company, such company shall be responsible for all damages caused by such neglect, and the municipal authorities of the corporation interested after notice, in writing to the company, shall cause the duty so neglected, to be forthwith performed, and may recover the expense thereof from the said company; and in default of payment of the said costs by the latter, within one month after demand, they may be recovered by civil action in any court of competent jurisdiction.

Damages.

Right of action.

Pipes communicating with those belonging to the comp.

Penalty.

14. If any person lays, or causes to be laid, any pipe or main, to communicate with any pipe or main belonging to the said company, or in any way, obtains or uses its gas or other illuminating material, without the consent of the company, he shall forfeit and pay to the company, the sum of one hundred and twenty dollars, and also a further sum of four dollars for each day during which such communications remains, which sums together with costs of suit in that behalf incurred, may be recovered by civil action, in any court of competent jurisdiction.

Persons injuring maliciously the works.

Other damages.

Waste of gas.

Penalty.

15. If any person wilfully or maliciously breaks up, pulls down, or damages, injures, puts out of order, or destroys any main pipe, engine pipe, plug or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing made and provided for the purpose aforesaid, or any of the materials used and provided for the same, or belonging to the said company; or shall in any way wilfully do any other injury or damage, for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or causes or procures the same to be done, or increases the supply of gas or other illuminating material agreed for with the company, by increasing the number or size of the holes in the gas burners, or using the gas without burners, or otherwise wrongfully, negligently, or wastefully burning the same, or by wrongfully or improperly wasting the same, such person shall on conviction thereof, before a justice of the peace, or any other person authorized to act in that capacity, in the locality wherein the offence has been committed, be compelled to pay for the use of the company, a penalty not exceeding forty dollars, together with costs of prosecution, or be confined in the common gaol of the district, for a space of time not exceeding three months, in default of payment, as to such justice shall seem meet.

16. Nothing in this act contained, shall prevent any person from constructing any works for the supply of gas to his own premises. Reserved rights.

17. Neither the service, nor connecting pipes of the said company ; nor any meters, lusters, lamps, pipes, gas-fittings, or any other property of any kind whatsoever of the company, shall be subject to or liable for rent, notwithstanding the article 1622 of the civil code, nor liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, nor be, in any way whatsoever, liable to any person, for the debt of any person, to and for whose use, or the use of whose house or building, the same may be applied by said company, notwithstanding the actual or apparent possession thereof, by such person. Properties of the comp. unseizable for the debts of other persons.

18. If any person wilfully, or maliciously, damages or causes or knowingly suffers to be damaged, any meter, lamp, luster, service pipe or fittings, belonging to the said company, or wilfully impairs, or knowingly suffers the same to be altered or impaired, so that the meter or meters indicate less gas than actually passes through the same, such person shall incur a penalty, to the use of the company, for every such offence, of not less than four dollars, nor exceeding twenty dollars, and shall also pay all charges necessary for the repairing or replacing the said meter, pipes, or fittings, and double the value of the surplus gas so consumed ; such damages, penalties and charges, to be recovered, with costs, as hereinafter provided. Damages maliciously caused. Penalty. Costs for repairing.

19. If any person wilfully extinguishes any of the public lamps or lights, or wilfully removes, destroys, damages, fraudulently alters, or in any way injures any pipe, pedestal, post, plug, lamp or other apparatus or thing belonging to the company, he shall forfeit and pay to the use of the company, a penalty not less than four dollars, nor more than twenty dollars, and shall also be liable to make good all damages and charges, to be recovered with costs, as hereinafter provided. Persons extinguishing lamps. Penalty.

20. If any person supplied by the company with gas, neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company, or any person acting under their authority, on giving forty-eight hours previous notice, may stop the supply of gas from entering the premises of the person in arrear as aforesaid, by cutting off the service pipe or pipes, or by any such other means as the company, or its officers see fit, and may recover the rent or charge due up to such time together with Power to stop gas in certain cases. Notice required.

the expenses of cutting off the gas, in any competent court, notwithstanding any contract to furnish for a longer time.

Power to enter
houses to that
end.

21. In all cases where the company may lawfully cut off and take away the supply of gas from any house, building or premises, the company, their agents and workmen, upon giving forty-eight hours previous notice to the person in charge or the occupier, may enter into the house, building or premises, between the hours of nine o'clock in the forenoon, and four in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp fittings or apparatus, the property of and belonging to the company; and any servant of the company duly authorized, may, between the hours aforesaid, enter any house into which gas has been taken, for the purpose of repairing and making good any such house, building or premises, or for the purpose of examining any meter, pipe or apparatus belonging to the company or used for their gas; and if any person refuses to permit or does not permit the servants and officers of the company to enter and perform the acts aforesaid, the person so refusing or obstructing, shall incur a penalty, to the company for every such offence not exceeding ten dollars, and a further penalty not exceeding four dollars for every day during which such refusal or obstruction continues, to be recovered with costs, as hereinafter provided.

For repairing.

Examinators,
&c.

Penalty in
case of refusal.

Recovery of
penalties.

22. All fines, penalties and forfeitures imposed by this act may be sued for and recovered with costs by the company, either in the manner hereinbefore directed, or before a justice or justices of the peace in the district where the offence has been committed, on the oath of any one credible witness.

Where suits
shall be
brought.

23. All actions for damages or penalties, or both, given by this act, shall be brought in courts having jurisdiction to the amount involved in such suit, unless otherwise provided by this act.

How levied.

24. Where damages as well as a penalty may be given such damages and penalty may be sued for separately, and in case of any damages being obtained against any party, the amount of penalty imposed shall be deducted from such damages, and such fines, penalties and damages may be levied by distress from the goods of the defendant, and in case the defendant has no goods to satisfy any penalty imposed, he shall be committed to the common gaol for such period not exceeding two months, as the justice or court may direct.

Seizure.

Gaol.

25. In any action brought by or on behalf of the company in any court or in any proceeding before a justice of the peace, on behalf of any such company, the president and any shareholder shall be competent witnesses, notwithstanding their interest in such suit or otherwise. Shareholders shall be competent witnesses.

26. The directors of the said company may, if they see fit at any time after the whole capital stock of one hundred and twenty thousand dollars above mentioned shall have been subscribed and paid in, but not sooner, make a by-law for increasing the capital stock of the company to any amount which they may consider requisite in order to the due carrying out of the objects of the company. Such by-law shall declare the number and the value of the shares of the new stock, and may prescribe the manner in which the same shall be allotted, subject to the provision hereinbefore contained with reference to the right of preference in favor of the then existing body of shareholders. But no such by-law shall have force and effect until after it shall have been sanctioned by a vote of not less than two-thirds in amount of the shareholders at a general meeting of the company, duly called for considering the same. Increase of the capital stock, By-laws to that effect. Sanction thereof.

27. "The joint stock companies general clauses act" shall apply to and be a part of this act, except in so far as it is in contradiction to or inconsistent with any of the provisions of this act. Application of 31 V., ch. 24.

C A P . X C .

An Act to incorporate The Wharfage Company of Sorel.

[Assented to 23rd February, 1875.]

WHEREAS Louis Adelard Senecal, Ashley Hibbard, and Charles Gill, have, by their petition, represented that they, as well as others as associated with them, desire to obtain an act of incorporation for the purpose of forming a company to construct wharves and a dock at Sorel; and whereas it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: Preamble.

1. Louis Adelard Senecal, Ashley Hibbard, Charles Gill, M. P., the Honorable Jean-Baptiste Guévremont, the Honorable Horace Fairbanks, Waldo Brigham, the Honorable George Hendie, N. A. Smith, M. D., Samuel T. Willett, Edward Campbell Wurtele and A. A. Taillon, or those among them, or any other persons who may become share- Certain persons incorporated.

Name of the
company.
Its general
powers.

holders in the company created by the present act, shall be and are hereby constituted a body politic and corporate, under the name of "The Wharfage Company of Sorel," and shall be authorized and have the power to construct at Sorel, a dock and wharves on the banks of the river St. Lawrence, and also on those of the river Richelieu, within the limits of the town of Sorel and the parish of St. Pierre de Sorel, and the power to work the same, and shall be authorized for such purposes to purchase, possess and rent the lots and parcels of land which may be necessary to carry out the said enterprise, and also to erect and maintain the mechanism, building and dependencies connected therewith.

Capital.

2. The capital of the company incorporated by the present act shall not exceed the sum of two hundred thousand dollars, unless it be increased in the manner hereinafter prescribed, and it shall be composed of shares of one hundred dollars each; but it shall be lawful for the said company to commence the enterprise and to exercise any of the powers conferred by the present act, as soon as ten per cent of the funds subscribed shall have been paid.

Organisation.

Provisional
directors.

3. The said Louis Adelard Senecal, Ashley Hibbard, Charles Gill, the Honorable Jean-Baptiste Guévremont, the Honorable Horace Fairbanks, Waldo Brigham, the Honorable George Hendie, A. A. Smith, Samuel T. Willett, Edward Campbell Wurtele, and A. A. Taillon, shall be and are hereby constituted and appointed the first directors of the said company, and shall remain in office until others under the provisions of this act are elected by the shareholders, and shall continue to form till such time, the board of directors of the said company, with the power of opening stock books and demanding payments on shares subscribed in the said book, and they shall call a meeting of the shareholders to elect directors in the manner which shall be prescribed by by-law.

Stock books,
&c.

Subscriptions
determined.

4. The said directors are by this act authorized to take all measures necessary to open stock books, and to determine by resolution the number of shares which each person may take and possess in the capital stock of the said company.

Power to bor-
row.

Proviso:

5. The company may borrow money to the amount of three-fourths of its capital for the purpose of carrying on the operations of the undertaking, provided that at a general or special meeting of the shareholders, convened in conformity with the by-laws of the company, and after notice to such effect, a resolution for that purpose be adopted

by the two-thirds of the votes at such meeting either personally or by means of proxies, and in guarantee of the payment of the money so borrowed by the said company, it may hypothecate the whole or part of its immovable property to the extent of not more than two-thirds of its actual value, and it may sell or hypothecate all its movable goods and effects, and issue debentures charged upon the movable and immovable property of the company to secure the payment of the capital and interest of the sum borrowed ; provided that such debentures be for amounts of not less than five hundred dollars, and that a certificate of the number and of the amount of such debentures in proportion of their being issued, under the seal of the company, and the hand of the president and of the secretary, be deposited at the registry office of the county of Richelieu, which certificate may be taken communication of, at the rate of twenty-five cents for each communication, by any one requiring it.

Mortgages to that end.

Debentures.

Certificate of the number of those enregistered.

6. It shall be lawful for the majority of the shareholders of the said company, present at a general annual meeting, to decide that the capital of the said company be increased to the extent of an amount not exceeding in all four hundred thousand dollars, and such capital may then be so increased, either by means of new subscriptions among the then shareholders or by the admission of new shareholders, or otherwise, according as the said majority may judge proper, and the directors of the company, then in office shall and may open stock books, distribute the shares, receive subscriptions, demand payments, recover the amount thereof or sell the shares on which payments have not been paid, and act generally in reference to such new shares, as permitted by section four of this act, in relation to original shares, and the owners of the new capital shall have the same rights, and shall be subject to the same obligations relating thereto, as the owners of the original capital in respect to the said capital ; and such increase may be made at one time, or at two or more times, in such manner however, that the aforesaid amount be never exceeded.

Increase of the capital.

Stock books.

Rights of the owners of the new capital.

7. The Joint Stock Companies general clauses Act shall apply to the present act, in so far as the same is not incompatible with the present act.

Act 31 V., c. 24, shall apply.

8. The tolls for the use of the said wharves shall be determined by the lieutenant-governor in council.

Tolls.

C A P . X C I .

An Act to incorporate "The Windsor Hotel Company of Montreal," (Limited.)

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS, Andrew Allan, Alexander Buntin, William E. Phillips, Horatio A. Nelson, James D. Gibb, Frederick W. Kay, and Matthew H. Gault, all of the city and district of Montreal, have, by their petition, prayed for the incorporation of themselves and others, as a Joint Stock Company, under the name of "The Windsor Hotel Company of Montreal," and it is expedient to grant their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

1. The said Andrew Allan, Alexander Buntin, William E. Phillips, Horatio A. Nelson, James D. Gibb, Frederick W. Kay, and Matthew H. Gault, together with all such persons as may hereafter become shareholders in the Company hereby created, shall be and they are hereby constituted a body politic and corporate by the name of "The Windsor Hotel Company of Montreal," and may by and under such name sue and be sued, implead and be impleaded, defend and be defended, in all courts of law, and by such name they and their successors shall have perpetual succession, and may have a common seal, and may change and alter the same at pleasure; may acquire for themselves and successors under any legal title whatsoever, property of all description, real and personal, may alienate sell, convey, lease or otherwise dispose or dispossess themselves of the same or any part thereof, at all or any time or times as may be desirable for any and such price or prices and on any and such terms and conditions as they may see fit: and may, if deemed advisable, acquire other property real or personal for the purposes of this act.

Name of the corp.

Its general powers.

Power to erect a public hotel, &c.

2. The said company hereby created may erect and construct, in the city of Montreal, a public Hotel and other buildings necessary thereto, and may maintain and carry on the business of hotel-keepers in the said buildings or in any other buildings or property that they may acquire for such purpose in the city of Montreal, or may lease the same in whole or in part for the carrying on of the said business, and may reserve such portions of the said buildings, as may be thought fit for occupation by tenants, as shops, stores, and the like.

3. The capital stock of the said company shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each, and the said stock shall be transferable in such manner only and subject to such restrictions and conditions as by the by-laws of the company may be prescribed.

Capital stock
of the corp.

4. The said Andrew Allan, Alexander Buntin, William E. Phillips, Horatio A. Nelson, James D. Gibb, Frederick W. Kay, and Matthew H. Gault, shall be the Provisional Directors of the said Company, with power to open books of subscription for the stock of the said company, and to receive subscriptions therefore, and to do such other things relative to the said subscriptions and the management of the affairs of the said company, and its organization as may be requisite and necessary, before the first general meeting of the stockholders for the election of directors as hereinafter mentioned.

Provisional
directors.

Subscription
books.

5. As soon as the sum of four hundred thousand dollars shall have been subscribed, and the sum of forty thousand dollars actually paid thereupon and deposited in some one of the chartered banks in Montreal aforesaid, it shall be lawful for the provisional directors to call a meeting in Montreal aforesaid, for the purpose of proceeding to the election of directors of the said company, and at such meeting such election shall be made by the holders of the majority of shares voted upon, present thereat, in person or by proxy, and the persons then and there elected shall be the first directors of said company, and shall be capable of serving until the election of directors at, or after the first annual meeting thereof.

Organization.
Election of the
directors.

6. The affairs of the company shall be managed by a board of seven directors, of whom four shall form a quorum; and no person shall be elected or can act as a director unless he is a shareholder in his own right in the company to the extent of at least twenty-five shares of the capital stock of the said company, and not in arrears in respect of any call thereon.

Management
of the affairs.
Quorum.
Qualification
of the direc-
tors.

7. The after directors of said company shall be elected by the shareholders thereof, at the general meetings of the company, at such times and under such terms and conditions as may be prescribed by the by-laws of said company; and the said directors or a majority of them may, from time to time, supply the place or places of any of their number dying or declining to act as such directors, from among the several persons being subscribers for or owning or holding shares in the said company sufficient to qualify

Election of the
after directors.

Their powers.

him or them to act as such director or directors ; said director or directors so appointed to hold office till the next annual meeting of the said company.

Power to borrow.

Power to hypothecate to that end.

Issuing of debentures.

Powers of trustees.

They represent the holders of such deb., &c.

34 V., c. 24, shall apply.

8. The said company may borrow money, in manner as hereinafter described, for the purpose of acquiring property, erecting buildings, and generally of carrying on its proper business, when at any general or special meeting of the shareholders regularly called on due notice, a vote to that effect shall be carried by two-thirds of the votes recorded at such meeting personally or by proxy ; and as security for money so borrowed, the said company may hypothecate the whole or any part of its real estate to the extent only of two-thirds of its actual value, and may sell or mortgage all its personal estate, chattels and effects ; and the said company may issue debentures signed by the president and vice-president of the company, and countersigned by the treasurer, and under the seal of the said company, for the purpose of securing such loans, and may secure such debentures by a deed of hypothec of the property and effects of the company, movable and immovable, hypothecating the same to a trustee or trustees, or to the successors of such trustee or trustees, to be appointed as prescribed in such deed for the benefit of the holders of such debentures, upon such terms and conditions, not contrary to law, or the provisions of this act, as may be contained in such deed ; and such trustee or trustees shall have the right to appear, act, and take proceedings as such in any court of justice, for the protection of the rights of the debenture-holders, and to enforce payment of such debentures and interest according to their terms and the registration of such deed of hypothecation shall insure to the benefit of the holders of all the debentures referred to in such deed, with equal rank ; in respect of all which, such trustee or trustees shall represent the holders of such debentures and shall account to them for his or their acts in the premises. And the deed of hypothecation so executed and registered shall create in favor of such trustee or trustees a privileged claim upon all the personal estate, chattels and effects of said company.

9. The joint stock companies general clauses act of the province of Quebec, in its several provisions, shall apply, so far as applicable, to this present act.

CAP. XCII.

An Act to incorporate "The Russell Hotel Company."

[Assented to 23rd February, 1875.]

WHEREAS Daniel Saunders, esquire, and William ^{Preamble.}
 Augustus Russell, esquire, both of the town of
 Lawrence, in the State of Massachussets; Willis Russell,
 esquire, of the city of Quebec; William Stoddard, esquire,
 of the city of Three Rivers; and William Edward Russell,
 esquire, of the parish of St. Christophe of Arthabaska, have
 petitioned to be incorporated for the purpose of carrying
 on the trade and business of hotel keeping in the city of
 Quebec and elsewhere in this province; and that it is ex-
 pedient to grant their petition; Therefore, Her Majesty, by
 and with the advice and consent of the Legislature of Que-
 bec, enacts as follows:

1. The aforesaid Daniel Saunders, William Augustus ^{Certain per-}
 Russell, Willis Russell, William Stoddard, and William ^{sons incor-}
 Edward Russell, and others who shall become shareholders ^{porated.}
 in such company, shall be and are hereby constituted a
 body politic and corporate, as a joint stock company, by ^{Name of the}
 the name of "The Russell Hotel Company." ^{corp.}

2. The said company may maintain and carry on the ^{Power to keep}
 trade and business of hotel keepers in the said city of ^{an hotel, &c.}
 Quebec and elsewhere in this province, and contract and
 act in every description of trade and business incident to
 such occupation of hotel keeping.

3. The said company, by the name aforesaid, shall have ^{General}
 perpetual succession, and may have a common seal, and ^{powers.}
 may alter the same at pleasure, and the said company and
 their successors by the name aforesaid may sue and be
 sued, implead and be impleaded, defend and be defended,
 in all the courts of justice, and before all justices and offi-
 cers of justice in this province, and take and prosecute all
 legal proceedings, and generally do and perform all that a
 lawfully constituted corporation may or can do; and the
 affixing of the said seal shall not be essential to the vali-
 dity of any document, act or deed, granted or accepted by
 the said company, but when affixed shall be *prima facie*
 evidence of the authenticity of any document, act, deed or
 certificate of the company or of its duly authorized servants.

4. The said company may lease and acquire, for them- ^{Power of ac-}
 selves and successors, under any legal title whatsoever, and ^{quiring, &c.}

hold and possess as lessees or proprietors respectively any lands, tenements, real or immovable estates in the city of Quebec, and elsewhere in this Province, not exceeding the value of two hundred and fifty thousand dollars, and may alienate, sell, exchange, convey, lease, or otherwise dispose of the same or any part thereof, from time to time, as occasion may require, for such price or prices, and on such terms and conditions as they may see fit, for the purposes of their said business, and erect and construct thereon all such buildings as may be requisite or convenient for carrying on such trade and business of hotel keeping.

Idem.

5. The said company for themselves and their successors may, from time to time, acquire all such movables, personal property, goods, chattels and merchandise, and the same from time to time replace, sell, exchange and dispose of as may be necessary for the carrying on the business of the said company.

Capital stock.

6. The capital stock of the said company shall be the sum of one hundred and fifty thousand dollars, of lawful money of Canada, divided into shares of one hundred dollars each, and such shares of stock shall be personal estate: which capital stock may, by a vote of two-thirds of the stockholders present at any special meeting called for that purpose, be increased to a sum and sums from time to time not exceeding in the whole five hundred thousand dollars.

May be increased.

Right to vote.

7. Each and every shareholder shall have as many votes as he holds shares in the said company, and may vote by proxy.

Provisional directors.

8. The said Daniel Saunders, William Augustus Russell, Willis Russell, William Stoddard and William Edward Russell shall be the directors of the said company until a choice of directors shall be made by the shareholders at their annual general meeting; and the said directors and the survivors or survivor of them shall continue in office until replaced, and shall and may exercise the administrative and other powers of directors of the said company.

Board of the directors.

Quorum.

Qualification.

9. The board of directors of the said company shall consist of five shareholders, at and after the first election, of whom three shall form a quorum, which shareholders shall be qualified to be such directors by the possession of not less than ten shares in the stock of the said company, in their own names respectively, and at any meeting of directors, the president or chairman, in addition to his own vote, shall have a casting vote, on any equal division of the voters present.

10. The said directors shall have power to open books for the subscription of shares; shall receive the subscription of shares, by persons desirous of becoming shareholders in the said company; may allot the number of shares that such persons may have in the capital stock of the said company; may accept, at a value, any real or personal property, lease or good will, as may be convenient, in payment of such shares of capital stock; may make by-laws for the government and regulation of the affairs of the said company not contrary to law; which by-laws shall remain in force until disallowed at any general meeting of the shareholders, or at any special meeting called for that purpose, by a vote of not less than two-thirds of the voters present, at such meeting.

Power of the directors.

By-laws.

11. The said company shall have power to draw, accept and negotiate, all bills of exchange, promissory notes, checks and commercial paper, under such rules and regulations, as to the signature and disposition of the same, as the said directors may by their said by-laws prescribe; may enter into any contract for the furnishing of supplies, and transact all manner of business, as any hotel keeper might or could do, in relation to the special business of such company.

Power to negotiate, &c.

12. The said company may employ, and from time to time discharge and replace, any agent or agents, manager or managers, accountants, bookkeepers, clerks and servants, as may in the opinion of the directors be requisite for the carrying on the business of the said company, and confer upon such agents, managers, accountants, bookkeepers, clerks and servants, such appropriate powers and authority as such directors may deem necessary; and such agents, managers, accountants, bookkeepers, clerks and servants shall not be held to incur any personal liability for any act, contract, or thing which they may lawfully enter into or do on behalf or in the name of such company.

Officers not liable.

13. The books of accounts and papers of the said company shall be at all times, within business hours, open to the inspection of the directors or of any of them, but shall not be open to or inspected by any other person save upon and by the order of a court of justice or judge, in the course of any legal proceeding.

Books open to inspection.

14. The said company may borrow money to the extent of one-half its capital for the purpose of carrying on the business of the said company, when at any general or special meeting of the shareholders, on notice for that purpose, a vote to that effect shall have been passed by two-

Power to borrow.

To hypothecate to that effect.

Debentures.

By whom signed and their amount.

Memorial thereof made and enregistered.

Certificate of the registrar.

Effect thereof.

Rank of the deb.

thirds of the shareholders present at such meeting or their proxies ; and the company may mortgage and hypothecate the whole or any part of its real estate, to an amount not exceeding one-half of its value, to secure such loan and interest thereon, and may issue debentures pledging such real estate for the payment of the same and the interest thereon ; which debentures shall be signed by the president or chairman shall be for not less than one hundred dollars each and the interest that may be assigned as the rate ; and the registration in the appropriate registration division or county, of a memorial under the hands of the president and secretary of the said company, setting forth the number, rate and amount of such debentures, the resolution authorizing such loan and issue, the class of such issue, as first or second and subsequent issues, as the case may be, with a description of the real property on which the respective issues are secured, shall be sufficient to create such hypothecation and mortgage, which registration the registrar of the division or county shall certify, under his hand, on each such debenture, by the words "secured and registered pursuant to the provisions of the act 38 Vict., chap. " and the said certificate shall be sufficient evidence of such registration, for which certificate the registrar may charge ten cents each and no more ; and the debentures of each issue shall rank concurrently, and in the distribution of the proceeds of such real estate, each debenture shall receive only its *pro rata* portion to the whole outstanding issue of such debentures, entitled to collocation.

Principal place of business.

15. The principal office and place of business of the said company shall be in the city of Quebec, where service of any process, document, or proceeding may lawfully be made.

34 Vict., c. 24, shall apply

16. The several provisions of "The Joint Stock Companies General Clauses Act" shall apply to the present act in all matters not herein specially provided for.

17. The schedule A hereinafter mentioned shall form part of this act.

SCHEDULE A.

SPECIMEN OF A MEMORIAL.

A memorial to be registered by and on behalf of "The Russell Hotel Company" a body politic and corporate, under the provisions of an act of the legislature of Quebec, passed in the thirty-eighth year of Her Majesty's reign, intituled:

"An Act to incorporate the Russell Hotel Company" of a first issue of debentures, consisting of one hundred debentures of the value of one thousand dollars each and bearing seven per cent interest, such debentures numbered from one to one hundred inclusively, and of the total amount of one hundred thousand dollars, authorized by a resolution of the said company, duly passed on the day, of one thousand, etc., in the terms following to wit: (copy of resolution) which sum of one hundred thousand dollars and the interest accrued and accruing thereon, amount of the said debentures, is secured upon the following immovable property to wit: a (description of property) which debentures are hereby required to be registered pursuant to the form and requirements of the said act, by A. B. president, and C. D. secretary of the said company, for and on behalf thereof.

As witness, their respective hands, this
day of

Signed in presence of {

A. B. } (L. S.)
C. D. }

C A P . X C I I I .

An Act to authorize Joseph Dinham Molson and William Hastings Kerr, *es-qualité*, to sell certain Real Estate charged with a substitution.

[Assented to 23rd February, 1875.]

WHEREAS by will made at Montreal, on the twentieth of April, 1860, the late Honorable John Molson, bequeathed certain properties to Joseph Dinham Molson, one of his sons, as institute to a substitution, and on the condition of his rendering the said properties to his children or to such of them as he may deem expedient to benefit by his will; and that by deed, passed at Montreal, before Mtre. Philips, notary, the 27th of March 1871, William Molson and others, testamentary executors of the said testator have, according to the provisions of the said will, assigned to the said J. D. Molson, and to his children, among other property, a certain number of shares in the Molson Bank, as a portion of the property coming to them charged with substitution;

Whereas on the 15th July, 1871, the said Joseph Dinham Molson purchased real estate sold by authority of justice by dame Adelaide Aurélie Lassiseraye, widow of the late Dontail Edouard Gauthier, *es-qualité*, and other persons,

which real estate is situated on Sherbrooke street, in the city of Montreal, being number twelve hundred and nine on the official plan and book of reference of St. James Ward, in the said city, for the price of nine thousand seven hundred and ten dollars currency; whereas the contract of the said deed of sale was passed on the tenth of August, 1871, in the said city of Montreal, before Mtre. L. A. Desrosiers, notary public, and the said J. D. Molson is stated in said contract as having purchased the said real estate, as well for himself as in his capacity of tutor to his minor children and of curator to that part of the substitution created by the will of his father which concerns him as well as his children; that on the 28th October, 1871, the said J. D. Molson obtained permission from the prothonotary of the superior court of the district of Montreal, to sell a number of the said shares of the said Molson's Bank, sufficient to realize the sum of eleven thousand eight hundred and sixty-seven dollars and forty-eight cents currency, part to be applied to the payment of part of the price of sale of the said real estate, and part to make improvements thereon; that he has sold the said shares and applied the proceeds thereof as indicated by such authority;

Whereas the said J. D. Molson is now obliged to sell the said real estate, and will suffer great damage if he were obliged to keep it, and that to effect the sale, he has asked and obtained from the superior court of Montreal, where he then resided, the appointment of tutor *ad hoc* to his minor children, and of special curator to the substitution created by the said will of his father;

Whereas, he has, by petition presented to the superior court of Montreal, on the 17th September, 1874, requested the said permission to sell the said real estate; that the said petition was regularly notified to all the members of his family and signed by all the interested parties, susceptible of having any interest in the substitution, and that all have appeared before the said court, on the said petition and given, in writing, their consent to the said sale; that William Hastings Kerr, the tutor *ad hoc* appointed to the minor children of the said J. D. Molson, and special curator appointed to the said substitution, by the prothonotary of the said court, on the advice of the family council, on the 12th November, 1874, conjointly with the said J. D. Molson, has requested authority to sell, by petition presented to the said court on the 17th November, 1874;

Whereas the said superior court has not adjudged on the said petitions, seeing the diversity of opinion amongst the judges alternately presiding over the said court, when the said petitions were presented, diversities manifested on the question, as to whether or not the said real estate

was charged with a substitution, in virtue of the titles and circumstances above mentioned ;

Considering the evidence given under oath of John Molson and Alexander Molson, establishing that it was by mistake that the said real estate was purchased for the said substitution, inasmuch as they have only consented to effect an hypothecary loan with the money of the said substitution ;

And whereas it is advisable to rectify such error and to authorize the sale of the said real estate ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1 Notwithstanding any law in force in this province, the said Joseph Dinham Molson, or his representatives, or any special attorney appointed by him for such purpose, is and are by these presents authorized and have the right and permission to sell the said real estate, conjointly with the said William Hastings Kerr, or any other person who may be appointed tutor *ad hoc* to the minor children of the said Molson, or curator to the substitution created by the will of the late John Molson, his father, which real estate bears the number twelve hundred and nine (1209) in the official plan and book of reference of St. James Ward, in the city of Montreal, and is situate on Sherbrooke street, bounded in front by the said street, in rear by a private passage adjoining to Cherrier street, on the south-west by Joseph Duhamel, esquire, and on the north-east side by lot No. twelve hundred and ten (1210) of the said official plan and books of reference, belonging to the said J. D. Molson ; to transfer to the purchaser the ownership of the said real estate, in as complete a manner as if it had never been charged with any substitution, nor affected by any rights of minors, to give good titles to the purchaser, and to receive payment therefor, the said sale subject nevertheless to the following conditions.

Power to sell
a certain pro-
perty.

2. The sale of the said real estate shall be made *en justice*, sitting the court, in the manner adopted in relation to the sale of the property of minors, and the terms of payment shall be such as the said Molson and Kerr may fix upon as the conditions of sale.

How the sale
shall be made.

3. On the price of the sale, there shall be bought for and in the name of the said substitution the same number of shares or actions of the said Molson's Bank, as there were sold under the judicial authority of the 28th October, 1871.

And the price
employed.

4. The balance of the price of sale may be paid to the said J. D. Molson, on a simple discharge, given in his own private name.

Balance of the
price.

Responsibility
of the pur-
chaser.

5. The purchaser shall in no way be responsible towards the substitution, as respects the investing of the price of the sale of the said real estate, and he shall be completely freed from the said price of sale, and may exact and obtain the cancelling of any hypothec created for the security of the said price of sale, on presentation of the discharge of the said Molson, or his heirs and assigns, and of the said W. H. Kerr, *ès-qualité* for the sum of eleven thousand eight hundred and sixty-seven dollars and forty-eight cents, and of the simple discharge of the said Molson, for the balance.

C A P . X C I V .

An Act to authorize the Executors of the will of Stanley C. Bagg, Esq., late of the City of Montreal, to sell, exchange, alienate and convey certain Real Estate, charged with substitution in said will, and to invest the proceeds thereof.

[Assented to 23rd February, 1875]

Preamble.

WHEREAS Stanley C. Bagg, Esq., late of the city of Montreal, deceased, by his last will and testament, duly executed in notarial form on July 7th, 1866, and the codicil thereto executed and duly registered in the registry office for the said city and district of Montreal, did devise and bequeath *inter alia*, as follows: "I give, devise and bequeath unto my said beloved wife, the usufruct, use and enjoyment, during all her natural lifetime or so long as she shall remain my widow, all and singular the property I may die possessed of, with the exception only of that hereinbefore bequeathed and given, whether the same be movable or immovable, real or personal, ready money, debts or actions, or otherwise, however and wheresoever the same shall or may be situate, and to whatsoever amount the same shall come. To have and to hold the said usufruct, use and enjoyment unto my said beloved wife during all her natural lifetime or so long as she shall remain my widow, to and for her own proper use and benefit, without rendering any account of the same or of any part thereof, to any person or persons whomsoever, &c.; I give, devise and bequeath in full property (subject nevertheless to the said usufruct and enjoyment of all my property by my said wife, Catherine Mitcheson Bagg, during her natural life, as my widow, as hereinbefore mentioned,) unto all my children born or to be born issue of my marriage with my said wife, in equal shares and proportions, the whole of the property, with the exception

" only of that hereinbefore, otherwise bequeathed, whether
" movable or immovable, real or personal, ready money,
" debts or actions or otherwise howsoever, that I may die
" possessed of, wherever the same shall or may be situate,
" and to whatever amount, the same shall come to me in
" any-wise belonging or appertaining, or in which I may
" have any right, interest or share at the time of my death,
" and without any exception or reserve other than the
" exception hereinbefore mentioned. To have and to
" hold the said hereby bequeathed and given property
" unto my said children, born or to be born, issue
" of my said marriage with my said wife, Catherine
" Mitcheson, their heirs and assigns as and for their
" own property forever, by virtue hereof, subject, never-
" theless to the usufruct, use and enjoyment by my
" said wife during her natural lifetime, or so long as she
" shall remain my widow. As regards the share of my
" said children, born or to be born of my said marriage, the
" survivors or survivor of them, in and to the hereby be-
" queathed and given property. I hereby direct and enjoin
" that each of them shall be paid, half yearly, the interest
" or revenue thereof, after the decease or second marriage
" of my said wife during the period of their, and each of
" their natural lifetime, for their and each of their aliment,
" maintenance, or for whatever other purpose or purposes
" they may desire, on their and each of their own receipt or
" receipts, &c. And at the death of any of my said chil-
" dren, the interest, income or revenue belonging to such
" so dying shall be divided half yearly among the children
" if any of him, her or them so dying, for their aliment and
" maintenance, and education, and for such other purposes
" as they may require, share and share alike during their
" minority, and the capital shall be paid them, share and
" share alike on their respectively attaining the age of
" twenty-one years, and not sooner, although the daughters
" be previously married, &c. I declare that it is my wish,
" will and desire, and I hereby order and direct, that the
" real estate or land I may die possessed of shall not be
" sold and disposed of excepting in building lots or em-
" placements, and such building lots or emplacements
" may be sold and disposed of a *rente constituée*, and when
" so sold, the constituted rents shall be made payable to
" my said wife, during her life, or so long as she remains my
" widow, and then to my said children; and afterwards to
" their children in equal shares. The said constituted rents
" shall not be redeemable until my said childrens' children,
" or the survivor or survivors of them shall arrive at the age
" of majority, and when redeemed shall be equally divided
" among them, share and share alike, &c. And for the ex-
" ecution of this my last will and testament, I do hereby

“nominate, constitute and appoint my said wife, the said Catherine Mitcheson to be the executrix, and (MacGregor) Joseph Mitcheson, of the city of Philadelphia, in the State of Pennsylvania, one of the United States of America, Esquire, attorney at law, and Joseph Evariste Odilon LaBadie, Esq., Notary public, and my son Robert Stanley Clarke Bagg, Esquire, Advocate, to be the executors of this my last will and testament, with power and authority unto them, or such of them as may act, to hold and exercise her, his or their trust in that capacity over and beyond the year and day limited by law, and until my will and wishes as herein written and contained shall be fully carried out and executed, &c.” And whereas, doubts have arisen as to the proper interpretation and construction of certain clauses in the said will as above recited, and for the purpose of making the intention of said testator more clear and absolute, and to facilitate the carrying out of the same, it is expedient that an act of this legislature should be passed; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Power to dispose of certain parts of real estate.

I. The executors of Stanley C. Bagg, Esq., deceased, or a majority of them, or whoever may be legally authorized to carry out the last will and testament of the said Stanley Clark Bagg, Esquire, after being authorized thereto by a judge of the superior court on the advice of the relations and friends and with the assistance of the curator appointed to the substitution created by the will of the said Stanley C. Bagg Esq., are hereby fully authorized and empowered to sell, assign or exchange, and with good and sufficient assurances in the law, to sell and convey, from time to time, as occasion may require, so much and such parts of the real estate and immovable property of the testator, or of the real estate and immovable property or properties, which may be purchased with the proceeds thereof if sold, as may now be, and as may hereafter become dilapidated, going to decay, deteriorating in value, or expensive or unproductive to the estate; and in the discretion of said executors, or of a majority of them, or of whoever may be legally authorized to carry out the said will, and to represent, said estate, under the condition hereinabove mentioned to sell, assign, exchange, and convey any other property, movable or immovable, improved or otherwise, which in their opinion and judgment may be, to the interest and advantage of the said estate. All which sales may be made for cash, in whole or in part, a *rente constituée* or otherwise, as they may deem expedient and proper; provided always, that the said executors or others, making said sales, shall forthwith invest the pro-

Investment of the proceeds of sales.

ceeds of said sale or sales in real estate and mortgages, under the supervision of the said curator to the said substitution and with his consent in writing for the benefit of said estate, and in accordance with the intention of said testator; and provided also, that all sales or exchanges, ^{Proviso :} and conveyances made under and by virtue of the provisions of this act, shall be without liability on the part of the purchasers to see to the application of the purchase money thereof; and provided further, that all sales ^{Sales previously made by test. exec. may be rendered valid.} heretofore made by said executors, in the interest and for the benefit of said estate, wherein the proceeds thereof have been invested, or secured, for the benefit of said estate as hereinbefore provided, shall be deemed and taken to be as good and valid in law, in all respects as soon as the said curator to the said substitution shall by a declaratory act before a notary, have made known that he approves of the said sales and investments, and that he confirms the same.

2. The authorization granted under the conditions herein ^{Effect of the authorization.} above mentioned for the sale of the whole or any part of the said estate shall be understood to be sufficient to enable the executors to sell any part or parts thereof under the same conditions without any further authorization being required.

C A P . X C V .

An Act to authorize Dame Marie Louise Panet, widow of Arthur Lamothe, to sell certain Properties substituted to her children.

[Assented to 23rd February, 1875.]

WHEREAS the late Dame Louise Amélie Panet, in her ^{Preamble.} lifetime, wife of Colonel William Berczy, Esq., of the parish of Ste. Mélanie, in the district of Joliette, made an olograph will, on the eleventh of April, eighteen hundred and sixty, which was afterwards verified and proved according to law, on the eighteenth of June, eighteen hundred and sixty-two, and of which a true and formal copy was afterwards enregistered at the registry office, of the county of Joliette, on the second of July following, under the number 3322, on page 672 of the 6th volume of register B; that in virtue of such will, after the payment of certain special legacies, the division of the property of the said Dame Berczy, is made in five parts; 1st, one fifth and the third of a fifth in usufruct, to Dame Mélanie Panet, widow of Louis Lévesque; 2nd, one fifth and the third of a fifth, in usufruct, to Dame Marie Anne Panet, Dame Glo-

bensky ; 3rd, one fifth, in usufruct, to Pierre Louis Panet ; 4th, one fifth, in usufruct, to Dame Thérèse Eugénie Panet, Dame Abbott ; 5th, a third to be divided between Mr. Panet and Dame Abbott, also in usufruct ; that under such will, the said Dame Berczy declares that when these usufructuaries, that is to say her brother and her sisters shall die, she will dispose of the succession in the following manner : to Dame Marie Louise Panet, widow of Arthur Lamothe, the share which should have constituted the usufruct which her father, the brother of the said Dame Berczy should have enjoyed during his lifetime, the said widow Arthur Lamothe being bound to transmit the same by way of substitution, to her children ; to Louis Lévesque, Esq., notary, of the parish of St. Mélanie, in the district of Joliette, the residue of her succession ; that by deed of transaction and arrangement, dated the twenty-seventh of November, eighteen hundred and sixty-three, between the said widow Lamothe and the said Louis Lévesque, and to put an end to all difficulties or litigation, resulting from the ambiguity of the terms of the said will of the said Dame Berczy, it was agreed between the said parties, if they should survive the usufructuaries named in the said will, to divide together equally, all the lands and capital, movable and immovable which might belong to the succession of the said Dame Berczy after extinctions of the usufructs above mentioned, and as to the third in usufruct left to the said parties in the share of any of the first usufructuaries of the said Dame Berczy, at the death of each of the first usufructuaries, the said widow Lamothe, agreed that the said Louis Lévesque, should have and take the two-thirds of such third, including in such agreement, the third in usufruct to which they, the said parties may be entitled by reason of the death of the said Dame Marie Anne Panet, Dame Globensky occurring after that of the said Dame Berczy ; that the second usufructuaries, mentioned in the said will, died before the husband of the testatrix, who had the enjoyment of the succession up to his decease in the course of the month of December, eighteen hundred and seventy-three ; that the share of the succession of the said Dame Berczy, belonging to the said widow Lamothe, as well under the said will as under the composition and arrangement entered into between her and the said Louis Lévesque, is composed almost wholly of an immense tract of lands in standing timber, situate in the county of Joliette ; that by the terms of the said will, the said dame widow Lamothe, possesses as *grevée de substitution* under the condition of transmitting to her children the share so fallen to her from the succession of the said Dame Berczy ; considering that by her petition, the said Dame widow Lamothe, has represented in addition to what precedes that she has no living child issue of her marriage

with the said late Arthur Lamothe, and that it is improbable that at her age, she will have any children, even in the event of her marrying again ; that the said Dame widow Lamothe does not derive any income from such lands in standing timber, may not sell them, divide, exchange, nor hypothecate them in any incommutable manner ; that the progress and development of such part of the country will be greatly retarded if these lands are not sold ; that in her interest and in that of the public, the said Dame widow Lamothe, desires to be authorized to divide with the said Louis Lévesque, in accordance with the intention of the deed of transaction, and to sell, exchange or hypothecate the share of the succession of the said Dame Berczy which has fallen to her, without prejudice to the rights of others, with the assistance of the curator to the said substitution who will watch over the use of the funds in the interest of the substitutes to the substitution ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said Dame Marie Louise Panet, widow of Arthur Lamothe, may, after being authorized by a judge of the superior court, on the advice of relations and friends, and with the assistance of the curator appointed to the substitution created under the will of the said Dame Berczy, declaring that the division of property coming to the said dame widow Lamothe is useful or profitable, to definitely divide in the form and manner prescribed by law in the case of *partage définitif*, with the said Louis Lévesque or his representatives, co-legatee of the said property, and this, with the assistance of the curator to the substitution, and further on the said advice of relations and friends declaring that the alienation of the share fallen to the said Dame widow Lamothe, through the said final division is useful or profitable, sell, exchange, hypothecate, or alienate, in whatever form it may be, with the assistance of the curator to the substitution, in one or more lots, from time to time, and according as they may judge fit and proper, the lands and properties which have thus fallen to the said Dame widow Lamothe, by means of the aforesaid final division.

Division of
property, &c.
Authorization
required, &c.

2. The first authorization of the judge of the superior court on such advice of relations and friends, shall be sufficient for all the alienations of the share attaching to the said Dame widow Lamothe, who shall not be obliged to procure a new authorization for each of the said alienations.

1st authoriza-
tion by the
judge shall be
sufficient for
the others.

Use of the funds.

3. The said Dame widow Lamothe shall, assisted by the curator of the said substitution, allow the products of the sale of the said immovable property or any part thereof, to remain on deposit in the hands of the purchaser or purchasers, with the guarantee of a mortgage, with the privilege of *bailleur de fonds*, make use thereof by loans secured by special hypothecs on immovable property, or in purchasing immovable property, or in investing such moneys in Dominion bonds or in those of the province of Quebec, or in the consolidated fund of any incorporated city or town, or in any incorporated bank, doing business in this province, according as the said Dame widow Lamothe, assisted by the curator to the substitution, may deem most advantageous.

Right to withdraw them on certain conditions.

4. The said Dame widow Lamothe may, at any time, assisted by the curator to the substitution, and when she may deem it advisable or profitable, withdraw certain sums and otherwise employ them, in the form and manner prescribed by the preceding section, provided that such use in no respect prejudices the interests of the substitute to the said substitution.

Right to the profits.

5. The said Dame widow Lamothe shall be entitled in full property to the annual fruits, profits and revenues arising from the sale of the said immovable properties or from any other alienation thereof, and also to any increase in value which may take place in them.

C A P. X C V I .

An Act to authorize Dame Nancy P. Parsons, wife of William S. Hunter, to sell and dispose of certain Real Estate in the County of Stanstead.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS Dame Nancy P. Parsons, wife of William S. Hunter, of the township of Stanstead, in the district of St. Francis, and province of Quebec, yeoman, duly authorized by her said husband, has, by her petition, represented that by deed of donation, made and passed at the said township of Stanstead, before C. A. Richardson, esquire, notary public, the sister and brother of the said petitioner, to wit, Ellen L. Parsons, wife of Mr. Walter W. Parsons, by her said husband duly authorized, and Robert C. Parsons did give and grant, by way of donation *inter vivos* pure, simple and irrevocable, unto the

said petitioner thereof accepting, and to her heirs, issue of her marriage with the said William S. Hunter, certain real estate in the said petition fully described, under the prohibition of alienating or encumbering said real estate, or any part thereof; and whereas the said petitioner has further represented, that in consequence of her intention, and that of her said husband, to remove from the said township of Stanstead, it has become desirable and necessary to sell and dispose of said real estate, and the said donors have signified their consent to such sale, and one of her only two children now being of age, has given his consent thereto; and it is expedient that the prayer of the said petitioner be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said Dame Nancy P. Parsons may, with the authority of her said husband, after having been previously authorized thereto by a judge of the superior court, upon the advice of relations and friends, and with the consent of the tutor to the minor child of the said Dame Nancy P. Hunter, sell and dispose of the real estate, described as follows, to wit: that certain tract or parcel of land, situate and being in the said township of Stanstead, more particularly known and distinguished as the easterly part of the lot number seven, in the tenth range of lots in the said township of Stanstead; bounded by a brook of water on the west, until within thirty rods of the north line of the lot; thence, in a direct course to a stone which stands three rods west of the brook, on the north line of the lot, containing about sixty acres, more or less, excepting about one-eighth of an acre lying east of the highway; also, subject to a bye-road through gates and bars, from the west part of said lot to the front road, as secured to the owner of the west part of said lot,—to such person or persons, company or corporation, and for such price and upon such terms and conditions as she may think fit, and a deed of sale of the said real estate executed by said Dame Nancy P. Hunter, duly authorized as aforesaid, shall be valid and effectual in conveying the title to said real estate; provided always that one third part of the purchase price of said property representing the share to which the said minor child is entitled, do remain in the hands of the purchaser and bear *hypothèque de bailleur de fonds* upon the said property, until the said minor child has become of age, when with her consent and authorization, the said part of purchase price shall be paid into the hands of the said Dame Nancy P. Hunter, the interest at no less than six per cent per annum on the said third part of the purchase price having to be paid meanwhile to the said Dame Nancy P. Hunter.

Power to sell
certain real
estate.

Description.

Reserve.

Effect of the
deed of sale.

Proviso:

Coming into
force of this
act.

2. This act shall come into force on the day of the sanction thereof.

C A P . X C V I I .

An Act to authorize Charles Côté, to construct Piers and Floating Booms on the River Bécancour.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS it is of importance for the advantages of lumbering on the river Bécancour and its tributaries, that safe and secure floating booms should be erected on the river Bécancour, from the upper part of the Island named "l'Isle à Hart," descending, until opposite the southern line of the property of Mr. Alex. McDonald, on the south-west branch thereof, and to the barn of Pierre Deshais, on the north-east branch named the "Petit Chenal;" and whereas Charles Côté, of Three Rivers, has by petition prayed for a privilege to that effect; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Power to con-
struct piers,
&c.

1. The said Charles Côté, of Bécancour, may construct piers, floating stationary booms and all fastenings and other things suitable for mooring, in sufficient number and of strength enough to assure a safe shelter for any logs of wood and other lumber, which may be made and brought down on the said river Bécancour; provided always that the said piers and floating booms, be constructed and placed in a manner not to obstruct in any degree the crossing or the free course and navigation of the said river. The said Charles Côté may place posts, or any other thing fit for mooring purposes, on the properties of the riparian proprietors, for the protection of the said booms, on the said

Proviso :

Indemnity.

Charles Côté previously paying to the said proprietors of the said lands, any damage which they may suffer thereby.

Power to make
certain works

2. The said Charles Côté shall have the privilege of mooring and placing in safety all rafts, floating booms or materials to construct rafts on the two shores, or on one or the other shore of the said river Bécancour, from the upper end of the island called "l'Isle à Hart," in descending, to opposite the south line of the property of Mr. Alex. McDonald, on the south-west branch, and to the barn of Pierre Deshais, on the north-east branch called "Petit Chenal," by the said Charles Côté previously paying, all damages caused to the proprietors or to the parties entitled thereto.

Indemnity.

3. The said Charles Côté, as an indemnity for the costs of the construction and maintenance of the said floating booms, may exact and receive, during the period of twenty years, commencing from the passing of this act, the following tolls, from any person or persons who may use, or desire to use, the said floating booms, to wit :

For each pine log of 12 to 16 feet, 2 cents per log ;

For each log of white spruce of 12 to 16 feet, 2 cents per log ;

For each log of hemlock of 12 to 16 feet, 2 cents per log ;
For each piece of red spruce above 12 feet, 2 cents per piece ;

For each log of cedar, 1 cent per log ;

For each cord of firewood, 10 cents per cord ;

For red spruce in logs, and for any other kind of wood in logs cut for firewood, $\frac{1}{2}$ cent per *length*.

4. The said Charles Côté shall, at any time, during the season of navigation, or during the whole time the said floating booms shall be placed and in use on the said river, be obliged and held to give or keep a free and sufficient passage to the proprietors of the lots along the river, and to every person or persons who may lumber, or have wood or other effects to bring down or take up the said river, so that the said persons shall not be unreasonably retarded in their passage of the said river.

5. The said Charles Côté may recover, if it be necessary, by means of prosecutions, before any court of justice of this province having jurisdiction in such matter, any amount which may, according to the tariff hereinabove mentioned, become due to the said Charles Côté, by any person or persons, who shall voluntarily use or require the use of the said floating booms, in order to save their timber, wood or effects.

6. The said Charles Côté shall, between the present time and the first day of May, 1876, make and complete the said booms, and cause the same to be accepted and inspected by an inspector of the public works department, and in default of his so doing within the said delay, the said Charles Côté shall forfeit the privileges conferred upon him by this act.

7. The said Charles Côté shall annually cause the said booms to be inspected, by an inspector of the department of public works, and obtain a certificate of the sufficiency of the said works.

8. The cost of inspection shall be defrayed by the said Charles Côté.

CAP. XCVIII.

An Act to authorize George Benson Hall to make Improvements in River Chaudière, and exact Tolls for the use thereof.

[Assented to 28rd February, 1875.]

Preamble.

WHEREAS it is of importance for the advantages of lumbering on the River Chaudière and its tributaries, that a dam and piers, and safe and secure booms should be erected on the said river at and above the tidal and navigable waters of the river St. Lawrence at a point to be determined by the commissioner of public works, and whereas George Benson Hall, of the City of Quebec, merchant, has, by petition, prayed for a privilege to that effect; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Right to erect a dam, piers, &c.

1. It shall be lawful for George Benson Hall, of Quebec, his heirs or assigns, to erect within a period of three years a dam across the said river Chaudière as aforesaid, and place piers, stationary booms and other fastenings, in the said river, of a sufficient number and strength to secure all logs and other lumber that may be made and floated down the said river, and the said works shall so be erected and placed to the satisfaction and with the approval of the commissioner of public works, and being so made, erected and placed with the approval of the commissioner of public works, he, the said George Benson Hall, his heirs or assigns, shall not be liable towards any party whomsoever for loss of logs that may accrue by reason of the breaking of the said booms being caused by adventitious and unforeseen occurrence beyond the control of him, the said George Benson Hall, his heirs or assigns.

Approval of commissioner of public works required.

Rates to be levied.

2. It shall be lawful for the said George Benson Hall, his heirs or assigns, as an indemnity for the cost of erecting and maintaining the said dam, piers, booms and other works, to exact and receive, during the period of thirty years from the passing of this act, the following tariff of charges from all, each and every party or parties, who may make use of the said works, to wit:

For every pine log of 12 to 16 feet...\$0.03 cents per log.

"	"	spruce log of 12 to 16 feet	0.03	"	"
"	"	hemlock log of 12 to 16 feet	0.03	"	"
"	"	stick of tamarac of 30 feet.	0.03	"	" stick.
"	"	100 cedar rails.....	0.50	"	" 100 rails.
"	"	cord of firewood.....	0.20	"	" cord.
"	"	round log of tamarac for			
		firewood of sixteen feet.....	0.02	"	" log.

3. And each and every person lumbering upon the said river, and floating lumber of any sort or description whatever into the said dam, pond and booms, shall, with due diligence from the arrival thereof at the said boom, remove the same therefrom, and in default of so doing, the said George Benson Hall, his heirs or assigns, shall provide for the safe keeping of the said logs or lumber or place it in safety at the cost and expense of the proprietor or proprietors thereof. Should the said George Benson Hall, his heirs or assigns, erect a slide to convey his logs or the logs of others to the beach of the river St. Lawrence, all persons who may have lumber to convey to the river St. Lawrence shall have the privilege of using the said slide on payment of two cents per each piece or log, but it shall be optional to the said George Benson Hall, his heirs or assigns, to build the said slide; provided that if the said George Benson Hall or his successors should build a mill for the cutting of timber at the said dam, and that the erection of a slide should be proved indispensable for the passing of logs from the said dam, then the said George Benson Hall, his heirs or assigns, shall build a sufficient slide to convey the said logs down beyond the rapids of the said river Chaudière to a boom to be there placed by the interested parties, and the said George Benson Hall, his heirs or assigns, shall have the right to charge for the use of the said slide, a sum of two cents per log or piece; but the said George Benson Hall, his heirs or assigns, shall build the said slide only in the event of the erection of a mill at the said dam.

Duty of persons using said booms, &c.

Privileges.

Obligation to construct a slide in case of a mill.

4. It shall be lawful for the said George Benson Hall, his heirs or assigns, to recover, if necessary, by action at law, in any court of justice in this province, having jurisdiction for the same, any amount that may become due to him from or by any party or parties who may have made use of the said dam, pond, booms and fastenings, for the preservation of his or their lumber, at the rate fixed in the foregoing tariff, and the additional sum of money that may become due to him for the cost and expense of removing the lumber of those persons, proprietors thereof, who may have made default to remove the same from the said dam, pond and booms as hereinbefore required of them; and it shall be lawful for the said George Benson Hall, his heirs or assigns, to detain the said lumber, or such part thereof as he may consider sufficient, as a security for the due payment of such sum of money as may be due to him.

Right to prosecute for amount due for use of booms, &c.

5. Any person or persons, wilfully or maliciously, cutting, breaking, injuring or destroying any part or parts of the said dam, piers, booms, or fastenings erected, made and placed in the said river Chaudière by virtue of the rights

Persons injuring said improvements, &c.

Penalty.

and privileges herein and hereby granted, shall be liable to be prosecuted for damages done to, or which may arise from the injury or breaking of the said booms or fastenings, in consequence of the said wilful or malicious cutting or breaking of the said dam, piers, booms or fastenings, or any of them, or shall contravene in any way to this act, shall be liable to a penalty not exceeding forty dollars, recoverable before any justice of the peace, and in default of payment of such penalty to an imprisonment not exceeding two months.

C A P . X C I X .

An Act to change the name of John Brown, of the City of Montreal, Commercial Traveller, to that of John Stevenson Brown.

[Assented to 23rd February, 1875.]

Preamble:

WHEREAS, John Brown, of the city of Montreal, commercial traveller, hath, by his petition, set forth that he is desirous of having his name changed to John Stevenson Brown, so as to obviate the great inconvenience arising from there being so many known by his present name, and hath prayed for an act for that purpose, and it is expedient to grant the said prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Change of name.

Its effect.

1. The said John Brown shall hereafter be called and known by the name of John Stevenson Brown, and by the latter name shall hereafter claim, exercise and enjoy all advantages, benefit, right and title, which, without such change of name he would have been entitled to; and all contracts, covenants and agreements made and entered into by him, by and under the name of John Brown, shall avail to him and be deemed entered into by and under the name of John Stevenson Brown; and all legacies or bequests contained in any will, and made in his favor by the name of John Brown, shall avail to him as if the name of John Stevenson Brown had been mentioned therein; and also, by the latter name, shall recover, have, hold and possess, and be capable of inheriting all real or personal property and rights of any nature or kind whatsoever, which he may at present have hold or possess, or which hereafter he might be capable of inheriting, recovering, holding or possessing, as fully and to the same extent as if the change of name had not hereby been made.

2. If any suit, or legal, or equitable proceeding has been commenced by or against the said John Stevenson Brown by his former name, such suit or proceeding shall not be abated, nor any relief or recovery sought thereby be prevented by reason of any such change of name, but the same may be continued and carried on to judgment and execution, and until satisfaction and discharge had, as if this act had not been passed. Suits commenced, &c.

C A P . C .

An Act to authorize the Bar of Lower Canada, Province of Quebec, to admit James Cruickshank as an Attorney and Advocate.

[Assented to 23rd February, 1875.]

WHEREAS James Cruickshank, of Ann Arbor, in the state of Michigan, one of the United States of America, counsellor-at-law, hath, by petition, represented that he has given special attention to the study of law for several years in the United States of America, that he has obtained, from the university of Michigan, the degree of bachelor of laws, and has been, after examination, admitted to practice in the supreme court of the state of Michigan, and the federal courts of the United States of America, and has practised therein; and whereas the said James Cruickshank hath prayed that he may be admitted to practice as an attorney and advocate, without the usual period of probation as a student-at-law; and whereas, a document, signed by nearly all the members of the Bar of this province of Quebec, practising at Montreal, recommends the passing of this act, and whereas the said James Cruickshank has filed an affidavit establishing that he has resided in Montreal during the space of one year, and that it is his intention to practice there as an advocate; and whereas it is necessary that an act of parliament should pass, and be to him allowed for that purpose; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. It shall be lawful for the bar of the province of Quebec, section of Montreal, and the examiners thereof, at any time after the passing of this act, to admit the said James Cruickshank as an attorney and advocate, and to practice law as such, as soon as he has passed the usual examination, after giving notice of one month of his intention to be J. Cruickshank may be admitted as an advocate after examination.

so examined, any law, usage or regulation to the contrary notwithstanding; provided the said James Cruickshank be previously naturalized British subject.

C A P . C I .

An Act to authorize the Bar of the Province of Quebec to admit Thomas Thaddæus Nesbitt, Bachelor-at-Law, as one of its members.

[Assented to 23rd February, 1875.]

Preamble.

WHEREAS Thomas Thaddæus Nesbitt, of the city of Quebec, has studied law four years from the seventh day of April, eighteen hundred and sixty-four, under Dennis Murray, esquire, advocate, and Charles Alphonse Pantaléon Pelletier, esquire, advocate, both of the city of Quebec, and has followed the complete course of lectures at the Laval University, where he has obtained the degree of bachelor-at-law; whereas the said Thomas Thaddæus Nesbitt, came before the bar of Quebec, and whereas the said bar declined to examine him on the grounds that the study of law is inconsistent with the discharge of pursuits yielding pecuniary compensation; whereas, far from sanctioning that principle, the Bar has admitted to the practice of law several government clerks, some of whom did not enjoy the undisputed advantage of having a degree in law, as he did; whereas Thomas Thaddæus Nesbitt was, at the time of his admission to the study of law by the said Bar, in the service of the government to earn his living, to the knowledge of the examiners, who accepted his clerkship under those circumstances, and thus became accountable in future to Thos. T. Nesbitt for the time and money he sacrificed during such clerkship; and whereas the said Thomas Thaddæus Nesbitt has studied over four years, as appears by the certificates of the advocates aforesaid, and by the diploma of Bachelor-at-law attesting a full course of studies at a university; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

T. T. Nesbitt may be admitted as an advocate after examination.

1. It shall be lawful for the Bar of the province of Quebec, section of the district of Quebec, and the examiners thereof, at their next meeting, or at any time thereafter, to admit the said Thomas Thaddæus Nesbitt as an attorney and advocate, to practice the law as such, after examination.

TABLE OF CONTENTS.

Cap.	PAGE.
1. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the fiscal years ending on the thirtieth day of June, one thousand eight hundred and seventy-five, and on the thirtieth day of June, one thousand eight hundred and seventy-six, and for other purposes connected with the Public Service.....	3
2. An Act to provide for the granting of an additional subsidy to certain Railway Companies, and for other purposes.....	14
3. An Act to encourage Canadians in the United States, European Immigrants and inhabitants of the Province, to establish themselves upon the Wild Lands of the Crown...	15
4. An Act to encourage the manufacture of Sugar from Beet-root in the Province of Quebec.....	18
5. An Act further to amend the Quebec License Act, (34 Vict., Chap. 2,) and the Acts amending the same.....	18
6. An Act respecting the Boundary between the Provinces of Quebec and Ontario.....	21
7. An Act respecting the Election of Members of the Legislative Assembly of the Province of Quebec.....	24
8. An Act to make better provisions for the trial of Controverted Elections of Members of the Legislative Assembly of the Province of Quebec.....	101
9. An Act to amend article 69 of the Code of Civil Procedure, relating to the service on certain Defendants.....	121
10. An Act to amend the law respecting Civil Procedure, in the Superior and Circuit Courts, respecting the mode of rendering judgment and of adjourning the Court.....	121
11. An Act to amend the law respecting the qualification of Jurors in the County of Bonaventure.....	122

Cap.	PAGE.
12. An Act to render liable to seizure a portion of the salaries of Public Officers and Employees.....	123
13. An Act to amend Articles 945 and 1336 of the Civil Code in relation to substitutions and community between consorts	124
14. An Act relating to the notices and declarations to be given to Registrars	125
15. An Act to amend and extend article 2175 of the Civil Code, respecting the Cadastre.....	125
16. An Act to authorize the withdrawal of the particular plan and book of reference of the Lot number Sixty-one of the Parish of Montreal.....	128
17. An Act to divide the Registration Division of Montreal into three Registration Divisions.....	129
18. An Act to divide the County of Bonaventure into two Registration Divisions.....	131
19. An Act to change the name of the <i>chef-lieu</i> of the District of Bedford, from Nelsonville to that of "Sweetsburgh".....	132
20. An Act to remedy certain illegalities and irregularities committed in the offices of the Sheriffs of the Districts of Ottawa and Rimouski, and in the Registry offices of the Counties of Bonaventure and Ottawa, and of the second Registration District of the County of Rimouski.....	133
21. An Act to remedy certain informalities in the Deeds of Sale of Real Estate given by Philip Vibert, heretofore Sheriff of Gaspé.....	134
22. An Act to render valid certain Deeds and Documents executed in the District of Gaspé.....	135
23. An Act to render valid certain Notarial Instruments.....	136
24. An Act to amend article 718 of the Municipal Code.....	137
25. An Act further to amend the Municipal Code.....	139
26. An Act respecting voluntary sales, transfers and assignments of <i>rentes constituées</i> representing seigniorial dues, created in virtue of seigniorial <i>cadastres</i> , and the significance of the said sales, transfers and assignments.....	139

Cap.	PAGE
27. An Act to continue for a limited time the several Acts therein mentioned.....	142
28. An Act to amend the Act concerning the erection and division of Parishes, and the building and repairing of Churches, Parsonage Houses and Church Yards, and <i>Fabrique</i> Meetings, (C. S. L. C., chap. 18,) and to detach a certain territory from the mission of the Lake of the Two Mountains, and to annex the same to the Parish of the Parsonage St. Joseph, for civil purposes.....	148
29. An Act to amend Chapter 18 of the Consolidated Statutes for Lower Canada.....	145
30. An Act to amend the Act to incorporate the Congregation of the Catholics of Quebec speaking the English language...	147
31. An Act to annex a part of the Township of Broughton to the Parish of Saint Victor de Tring.....	151
32. An Act to annex Vaudry Island, on the River <i>L'Assomption</i> , to the Parish of St. Paul l'Ermite.....	152
33. An Act to amend chapter nineteen of the Consolidated Statutes for Lower Canada, respecting Lands held by Religious Congregations.....	152
34. An Act for the better regulation of Burials.....	153
35. An Act to amend Chapter 71 of the Consolidated Statutes for Lower Canada, respecting the Medical Profession and the sale of Drugs.....	156
36. An Act to amend Chapter 76 of the Consolidated Statutes of Canada, respecting the practice of Physic and Surgery, and the study of Anatomy, in so far as it refers to the appointment of an Inspector of Anatomy.....	156
37. An Act to amend the Act of incorporation of the Pharmaceutical Association of the Province of Quebec, and to Regulate the Sale of Poisons.....	157
38. An Act to amend Chapter 68 of the Consolidated Statutes for Lower Canada, respecting Mutual Assurance Companies.....	162
39. An Act to amend "The Joint Stock Companies Incorporation Act.".....	168

Cap.	PAGE
40. An Act to further amend The Quebec Railway Act, 1869, (32 V., c. 51.).....	164
41. An Act to further amend The Quebec Railway Act, 32 Vict., chap. 51, and for other purposes.....	164
42. An Act to amend the Act 35th Vict., Cap. 27, intituled : " An Act to incorporate the Point Levis and Indian Cove Junction Railway Company.".....	165
43. An Act to further amend the Act assented to the twenty- fourth of December, 1870, intituled : An Act to incorpo- rate the Missisquoi and Black Rivers Valley Railway Company	166
44. An Act to amend the Act incorporating the Laurentian Railway Company, (36 Vict., ch. 44.).....	167
45. An Act to amend the Act incorporating " The Sherbrooke, Eastern Townships and Kennebec Railway Company," (32 Vict., c. 57.).....	167
46. An Act to amend the Acts relating to the Quebec and Gos- ford Railway Company, now to be known as " The Que- bec and Lake Saint John Railway Company ".....	169
47. An Act to incorporate the " St. Lawrence Bridge Company."	179
48. An Act to amend the Act intituled : " An Act to incorporate the Montreal Omnibus and Transfer Company ".....	185
49. An Act to incorporate the College of Levis.....	187
50. An Act to incorporate the " <i>Société de Bienfaisance Mutuelle du Sacré-Cœur de Jésus, de la Ville de Lévis</i> ".....	190
51. An Act to amend the Act 12 Victoria, chapter 143.....	193
52. An Act to incorporate the Society called " <i>L'Union Saint- Joseph de St. François de Sales</i> ".....	195
53. An Act to amend the Act, intituled : " An Act to incorporate the General Hospital of the District of Richelieu.".....	197
54. An Act to incorporate <i>L'Hospice des Sœurs de la Charité de Rimouski</i>	198
55. An Act to incorporate the Maternity Hospital of Montreal..	200

Cap.	PAGE.
56. An Act to incorporate the Montreal Young Women's Christian Association.....	201
57. An Act to incorporate the National Institute of Fine Arts, Sciences, Arts, Trades and Industries.....	203
58. An Act to incorporate "The Metropolitan Club" of Montreal,	205
59. An Act to incorporate "The Harvey Institute".....	207
60. An Act respecting "The Methodist Church of Canada".....	208
61. An Act to amend "An Act to incorporate the managers of the Ministers' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland," and amendments thereto.....	210
62. An Act respecting the Union of certain Presbyterian Churches therein named.....	212
63. An Act to enable the Lord Bishop of Montreal, with the consent of the "Rector and Churchwardens of Trinity Church," Montreal, to borrow money and hypothecate the property of said church therefor.....	219
64. An Act to amend the Act intituled: "An Act to incorporate the Board for the Management of the Temporalities Fund of the Presbyterian Church of Canada, in connection with the Church of Scotland.".....	220
65. An Act to vest certain Real Estate in the Incumbent and the Church wardens of St. John's Church, of the Parish of St. John the Evangelist, in the Diocese of Montreal; with authority to sell the same, and to apply proceeds in payment of other lands, or towards the erection of a new church.....	223
66. An Act to incorporate "The St. Catherine Street Baptist Church of Montreal.".....	226
67. An Act to incorporate "The Academy of Music Company of Montreal.".....	228
68. An Act to constitute the Parish of Sainte Pudentienne into a Municipality, for Municipal purposes.....	230
69. An Act to annex a certain part of the Municipality of St. Lambert, in the County of Chambly, to the Municipality of the Parish of Longueuil, in the same County, for all Municipal and School purposes.....	231

Cap.	PAGE.
70. An Act to incorporate the Municipality of the Village d'Outre-Mont.....	232
71. An Act to authorize the Corporation of the Village of Hochelaga to borrow money, and for other purposes.....	233
72. An Act to give immediate effect to the proclamation erecting the Town of Saint-Henri.....	234
73. An Act to amend the Charter of the City of Montreal, 37 Vict., Chap. 51.....	235
74. An Act further to amend the provisions of the several Acts relating to the incorporation of the City of Quebec	238
75. An Act to better define and extend certain powers respecting the Municipality of the Parish of St. Sauveur de Québec.	251
76. An Act to amend and consolidate the Act of incorporation of the City of Three Rivers, and the various Acts which amend the same.....	253
77. An Act to amend the Act 27th Victoria, Chapter 24, intituled: "An Act to erect the Village of Beauharnois as a Town ".....	304
78. An Act to amend the Act 36 Vict., Chap. 53, intituled: "An Act to incorporate the Corporation of the Town of Lachine".....	320
79. An Act to incorporate the City of Hull.....	343
80. An Act to incorporate the Quebec Society for the Prevention of Cruelty to Animals.....	398
81. An Act to incorporate "The Atlantic Insurance Company of Montreal.".....	399
82. An Act to incorporate "The Canada Landed Proprietors' Loan Company.".....	407
83. An Act to incorporate the Eastern Townships Land and Improvement Company.....	433
84. An Act to incorporate "The St. Pierre Land and Manufacturing Company.".....	444
85. An Act to incorporate "The Canadian Meat and Produce Company.".....	446

Cap.	PAGE.
86 An Act to incorporate "The Sherbrooke Manufacturing Company."	449
87. An Act to amend the Act, intituled: "An Act to incorporate the Ottawa Iron and Steel Manufacturing Company, (limited)."	452
88 An Act to re-incorporate the Megantic Mining Company, and continue in them all the rights of property and other rights heretofore vested in the Megantic Mining Company, by the Act 18 Victoria, chapter 49, which last mentioned Act, has lapsed.....	458
89. An Act to incorporate "The Sherbrooke Gas Company."...	455
90. An Act to incorporate The Wharfage Company of Sorel....	461
91. An Act to incorporate "The Windsor Hotel Company of Montreal," (limited).....	464
92 An Act to incorporate "The Russell Hotel Company.".....	467
93. An Act to authorize Joseph Dinham Molson and William Hastings Kerr, <i>es-qualité</i> , to sell certain Real Estate charged with a substitution.....	471
94. An Act to authorize the Executors of the will of Stanley C. Bagg, Esq., late of the City of Montreal, to sell, exchange, alienate and convey certain Real Estate, charged with substitution in said will, and to invest the proceeds thereof.....	474
95 An Act to authorize Dame Marie Louise Panet, widow of Arthur Lamothe, to sell certain Properties substituted to her children.....	477
96. An Act to authorize Dame Nancy P. Parsons, wife of William S. Hunter, to sell and dispose of certain Real Estate in the County of Stanstead.....	480
97. An Act to authorize Charles Côté, to construct Piers and Floating Booms on the River Bécancour.....	482
98 An Act to authorize George Benson Hall to make improvements in River Chaudière, and exact Tolls for the use thereof.....	484
99. An Act to change the name of John Brown, of the City of Montreal, Commercial Traveller, to that of John Stevenson Brown.....	486

Cap.	PAGE.
100 An Act to authorize the Bar of Lower Canada, Province of Quebec, to admit James Oruickshank as an Attorney and Advocate.....	487
101 An Act to authorize the Bar of the Province of Quebec to admit Thomas Thaddæus Nesbitt, Bachelor-at-Law, as one of its members.....	488

INDEX

TO THE STATUTES OF QUEBEC.

FOURTH SESSION, SECOND PARLIAMENT, 38 VICTORIA.

A

PAGE.

Academy of Music, of Montreal, incorporated.....	228
Act, the Quebec election.....	24
Act, the Quebec controverted elections.....	101
Act relating to the sales and transfers of seigniorial dues.....	189
Act, Pharmaceutical.....	157
Act, joint stock companies incorporation, amended.....	163
Act, the Quebec Railway, 1869, amended.....	164
Acts, certain Notarial, rendered valid.....	136
" continued.....	142
" of certain notaries, registrars, cashiers, &c., rendered valid.....	136, 137
" executed in Gaspé, certain, rendered valid.....	135
Advocates— <i>See</i> Bar.	
Aid, additional, to certain railways.....	14
" to Canadians in the United States, and others, to establish themselves upon the wild lands of the Crown.....	15
Anatomy, act relating to inspectors of, amended.....	156
Annexation of Vaudry island to the Municipality of St. Paul l'Ermite.....	152
Animals, Society of Quebec to prevent cruelty to, incorporated...	398
Arts, national institute of fine, &c., incorporated.....	203
Assembly, Legislative, act relating to the election of the members of the.....	24
Assembly, Legislative, act relating to controverted elections of members of the.....	101
Association, Montreal young women's christian, incorporated.....	201
" pharmaceutical, act amended and confirmed.....	157
Assurance, Atlantic, company, of Montreal, incorporated.....	399
" mutual, companies' act amended.....	162

B

Bagg, Stanley, C. test. executors of, authorized to sell substituted real estate.....	474
---	-----

Baptist, <i>See</i> Church.	
Bar, authorized to admit James Cruickshank as an advocate.....	487
“ “ “ T. T. Nesbit “ “	488
Beauharnois, town of, act of incorporation, amended.....	304
Bécancour, river of, authorization to Chs. Côté, to construct therein piers and floating booms.....	482
Beet-root sugar, subsidy to encourage the manufacture of.....	18
Bedford, change of name of the chef-lieu of the district of.....	132
Black River, Missisquoi, and, valley railway company, act amended.....	166
Bonaventure, qualification of jurors in division of.....	122
“ Registration division of, divided.....	181
“ Irregularities of certain registers of the registrar of.....	183
“ Acts, &c., authentic in, before whom received.....	186
Boundary between Quebec and Ontario.....	21
Bridge, St. Lawrence, company, near St. Helen's island, Montreal, incorporated.....	179
Broughton, part of the township of, annexed to St. Victor de Tring.	151
Brown, John, authorized to change his name.....	486
Building societies— <i>See</i> cashiers, treasurers.	
Burials—act for the better regulation of.....	153

C

Cadastre, for registration, law amended.....	125
“ of No. 61 of the parish of Montreal, withdrawn.....	128
Canada landed proprietors' loan company, incorporated.....	407
Canadian meat and produce company, incorporated.....	445
Canadians of the United States, encouragement to establish them- selves upon the wild lands of the Crown.....	15
Cashiers, being notaries, certain deeds made by, render valid.....	187
“ of building societies, may practice as notaries, except in certain cases.....	187
Catholics of Quebec speaking English language, Congregation of the, act amended.....	147
<i>Cens et rentes</i> — <i>See</i> seigniorial rights.	
<i>Charité, sœurs de la, de Rimouski</i> , incorporated.....	198
Chaudière, river, authorization given to G. B. Hall, to make certain works thereon.....	484
Chemists,— <i>See</i> Pharmacy.	
Cholera,— <i>See</i> Burials.	
Church, Baptist, of St. Catherine street, Montreal, incorporated...	226
“ Trinity, Montreal, loan authorized.....	219
“ Methodist, of Canada, act respecting the.....	208
“ Presbyterian, of Canada, acts respecting funds destined to the managers of the ministers' widows and orphans, amended.....	210
“ St. John's, Montreal, put in possession of certain real estate.....	223

	PAGE.
Churches, Presbyterian, union of certain.....	212
" " Act relating to the board of management of the temporalities fund of the, amended.....	220
Cemetery, of côte des Neiges, of Montreal, annexed to the parish of Notre Dame of Montreal.....	147
" Burials may be discontinued therein, by the ecclesiastical authority.....	147
Civil procedure, amendment to the.....	121
City of Hull, incorporated.....	843
City of Montreal, charter amended.....	235
City of Three Rivers, acts of incorporation consolidated....	253
City of Quebec, act of incorporation amended.....	288
Club, Metropolitan, of Montreal, incorporated.....	205
Code, Civil, art. 245 and 1326, amended.....	124
" " Amendment relating to notices to be given to registrars	125
" " Amendment respecting the cadastre.....	125
Code of civil procedure, art. 69, amended.....	121
" " Other amendments.....	121
" Municipal, art 718, amended.....	137
" " Further amended.....	138
College of Levis, incorporated.....	187
Colonization fund, to encourage Canadians to establish themselves upon the wild lands of the Crown.....	15
Community between consorts, law amended.....	124
Company, St. Lawrence bridge, near St. Helen's island, Montreal, incorporated.....	179
Company, omnibus and transfer, of Montreal, act amended.....	185
" Academy of music, of Montreal, incorporated.....	228
" Atlantic, insurance of Montreal, incorporated.....	399
" The Canada landed proprietor's loan, incorporated....	407
" The Eastern townships land and improvement, incorporated.....	433
" Land and manufacturing, of St. Pierre, incorporated...	444
" Canadian meat and produce, incorporated.....	446
" Sherbrooke manufacturing, incorporated.....	449
" Iron and steel manufacturing, of Ottawa, act amended	452
" The Megantic mining, re-incorporated.....	453
" The Sherbrooke gas, incorporated.....	455
" Wharfage of Sorel, incorporated.....	461
" The Windsor hotel, of Montreal, incorporated.....	464
" The Russell hotel, incorporated.....	467
Companies, the joint stock, incorporation act, amended.....	163
" Mutual assurance, act amended.....	162
" Railway—See Railways.	
Congregation of the Catholics of Quebec speaking the English language, act amended.....	147
Congregations, religious, law respecting lands held by, act amended.....	152

	Page.
Controverted parliametary elections, act relating to.....	101
Corrupt practices, in parliamentary elections.....	67
Oôté, Chs. authorized to construct piers and floating booms on the river Bécancour.....	482
Crown Lands, encouragement to settle on the.....	15
Cruelty to animals, Society of Quebec to prevent, incorporated....	398
Cruikshank, James, authorization given to the Bar to admit him as an advocate.....	487
Cons. Statutes of Canada, ch. 76, amended.....	156
“ “ for L. C. ch. 18, amended.....	145
“ “ “ ch. 19, amended.....	152
“ “ “ ch. 68, amended.....	162
“ “ “ ch. 71, amended.....	156

D

Disease, epidemical, <i>See</i> Burials.	
Division registration, of Montreal, may be divided into three.....	129
“ “ of Bonaventure, divided into two.....	181
Division line, between Quebec and Ontario.....	21
Druggists, &c.— <i>See</i> Pharmacy.	
Dues, Seigniorial, act respecting the sales, transfers and service of	139

E

Eastern townships land and improvement company, incorporated	433
Eastern, Sherbrooke and, township and Kennebec Railway Com- pany, act amended.....	168
Electoral act of Quebec.....	24
Electors, parliamentary, <i>See</i> electoral act of Quebec.	
Elections of members of the Leg. Ass., act respecting them.....	24
Elections, controverted, of members of the Leg. Ass., act respecting them.....	101
Employees, public, seizure of a part of their salaries.....	123
Encouragement to immigrants, &c.....	15
“ to the manufacture of beet-root sugar.....	18
Enregistration, demand of, law amended.....	125
“ <i>See</i> Cadastre.	
Epidemical disease, <i>See</i> Burials.	
Erection, &c., of parishes, act amended.....	143

F

Fine arts, national institute of, &c., incorporated.....	203
Fund, colonization, encouragement to settle upon the wild lands of the Crown.....	15

G

Gaspé, certain deeds of sale of P. Vibert, heretofore sheriff of, Rendered valid.....	184
--	-----

	PAGE.
Gaspé, deeds, &c., executed in the district of, rendered valid.....	185
Gas, Sherbrooke, Company, incorporated.....	455
Gosford, the Quebec and, railway act, amended.....	169

H

Hall, G. B. authorized to make certain works on River Chaudière	484
Hervy Institute, incorporated.....	207
Hochelaga, County of, shall form one registration division with Jacques Cartier, on proclamation to that effect.....	129
Hochelaga, municipality of the village of, authorized to contract loans.....	233
Hospice des Sœurs de la Charité de Rimouski, incorporated.....	198
Hospital, General, of the district of Richelieu, act of incorporation, amended.....	197
Hospital, maternity, of Montreal, incorporated.....	200
Hotel, Russell, Company, incorporated.....	467
“ Windsor, Company, incorporated.....	464
Hull, city of, incorporated.....	843
Hunter, Dame N. P. Parsons, wife of, authorized to sell a substituted real estate.....	480

I

<i>Immaculée Conception de Marie, Rev. Pères Oblats de l'</i> , act of incorporation amended.....	198
Immigrants, European, encouragement to establish themselves upon the wild lands of the Crown.....	15
Incorporation, the joint stock companies, act amended.....	163
Incorporation, St. Lawrence bridge Company, near St. Helen's island, Montreal.....	179
“ of the College of Levis.....	187
“ “ <i>Société de Bienfaisance mutuelle du Sacré-Cœur de Jésus, de la ville de Levis</i>	190
“ “ <i>Union St. Joseph de St. Francois de Sales</i> , county of Ottawa.....	195
“ “ <i>Sœurs de la Charité de Rimouski</i>	198
“ “ Young women's Christian association, of Montreal.....	201
“ “ National institute of fine arts, sciences, arts, trades and industries.....	208
“ “ Metropolitan club, of Montreal.....	205
“ “ Hervy institute.....	207
“ “ Baptist church, St. Catherine street, Montreal.....	226
“ “ Academy of music of Montreal.....	228
“ “ City of Three Rivers, acts of incorporation, consolidated.....	253
“ “ City of Hull.....	843

Incorporation, of the Society of Quebec, to prevent cruelty to animals.....	898
“ “ Atlantic insurance company of Montreal.....	899
“ “ Canada landed proprietors' loan company...	407
“ “ Eastern Townships land and improvement company.....	438
“ “ Land and manufacturing company of St. Pierre	444
“ “ Canadian meat and produce company	446
“ “ Sherbrooke manufacturing company... ..	449
“ “ Megantic Mining Company, re-incorporated.	453
“ “ Sherbrooke Gas Company.....	455
“ “ Sorel Wharfage Company.....	461
“ “ Windsor Hotel Company of Montreal.....	464
“ “ Russell Hotel Company.....	467
Indian Cove, Point Levis and, junction railway, act amended.....	165
Industry, National Institute of fine arts, &c., incorporated.....	208
Inhabitants of the Province of Quebec, encouragement to establish themselves upon the wild lands of the Crown.....	15
Inspector of anatomy, law (C. S. C. ch. 76,) amended.....	156
Institute, Hervey, incorporated.....	207
Institute, national, of fine arts, sciences, arts, trades and industry, incorporated.....	203
Instruments, certain notarial, rendered valid.....	136
Inventories, certain defective, rendered valid.....	137
Irregularities of certain registers of sheriffs and registrars.....	133
“ of certain notarial acts, remedied.....	136
“ of deeds of sale of Vibert, ex-sheriff of Gaspé, remedied.....	134
Iron and steel manufacturing company of Ottawa, act amended..	452
Island, Vaudry, L'Assomption, annexed to the parish of St. Paul l'Ermite.....	152

J

Jacques Cartier, County of, shall be a registration division with Hochelaga, on proclamation to that effect.....	129
Joint stock companies incorporation act, amended.....	163
Jurors, qualification of, in Bonaventure.....	122

K

Kennébec, the Sherbrooke, Eastern townships and, railway company, act amended.....	168
Kerr, W. H. <i>ès-qual</i> , authorized to sell a certain substituted real estate.....	471

L

Lachine, town of, act of incorporation amended.....	320
Lake of two mountains, part of the mission of, annexed to the parish of the patronage St. Joseph.....	144

	PAGE.
Lake St. John, Quebec and, railway, act amended.....	169
Lamothe, Dame Widow, authorized to sell substituted real estate	477
Landed, Canada, proprietors' loan company, incorporated.....	407
Lands, encouragement to settle on the crown.....	15
Laurentian railway, act amended.....	167
Lévis, College of, incorporated.....	187
" <i>Société de Bienfaisance Mutuelle du Sacré-Cœur de Jésus, de</i> <i>la ville de</i> , incorporated.....	190
License, the Quebec, act amended.....	18
Line, division, between the provinces of Ontario and Quebec:...	21
Lists of parliamentary electors.....	24
Loan, the landed proprietor's, company, of Canada, incorporated..	407
<i>Lods et Ventes</i> —See Seigniorial dues.	
Longueuil, annexation of a part of St. Lambert, to the municipi- pality of the parish of.....	231

M

Manufacturing land and improvement company, of St. Pierre, in- corporated.....	444
<i>Marie, Rev. Pères Oblats de l'Immaculée Conception de</i> , act of incor- poration amended.....	193
Meat and produce, Canadian, company, incorporated.....	446
Medical profession, act (C. S. L. C., ch. 71,) amended.....	156
Medicines, sale of, law (C. S. L. C., ch. 76,) amended.....	156
" " new provisions.....	156
Members of the Legis. Ass., act concerning the election of.....	24
Members of the Legis. Ass., act concerning the controverted elections of.....	101
Methodist, act respecting the, Church of Canada.....	208
Metropolitan Club of Montreal, incorporated.....	205
Mining, Megantic, company, re-incorporated.....	453
Missisquoi and black river valley railway company, act amended	166
Molson, Joseph D. authorized to sell a certain substituted real estate.....	471
Montreal, registration division of, may be divided into three.....	129
" Lists of parliamentary electors of.....	87
" St. Lawrence bridge company of, near St. Helen's Island.....	179
" Omnibus and transfer company of, act of incorporation amended.....	185
" Maternity Hospital of, incorporated.....	200
" Young women's Christian association of.....	201
" National institute of fine arts, sciences, arts and trades, and industry, incorporated.....	203
" Metropolitan club of, incorporated.....	205
" Hervey institute.....	207
" Trinity church, power to borrow money.....	219

	PAGE.
Montreal, St. John's church, put in possession of certain real estate.....	223
“ Incorporation of Baptist church, St. Catherine street...	226
“ Academy of music company of, incorporated.....	228
“ Charter of the city of, amended.....	235
“ Atlantic insurance company of, incorporated.....	399
“ The Windsor hotel company of, incorporated..	467
Music, accademy of, company, incorporated.....	228

N

Name of John Brown, changed.....	486
National Institute of fine arts, &c.,.....	203
<i>Nativité de la Ste. Vierge</i> , catholic parish of the, in Montreal, erected.....	146
Nelsonville, name replaced by that of Sweetsburg, for the <i>chef-lieu</i> of Bedford.....	132
Nesbitt, T. T., the Bar authorized to admit, as an advocate.....	488
Notaries, certain may be registrars, deputy-registrars, &c.....	187
Notaries, being cashiers, certain deeds made by them rendered valid.....	187
Notaries, being cashiers of building societies, may practice as such, except in certain cases.....	187
Notarial act, amended.....	186

O

<i>Oblats, Rev. Pères, de l'Immaculée Conception de Marie</i> , act of incorporation amended.....	193
Officers, public, seizure of a portion of their salaries.....	123
Omnibus and transfer company of Montreal, act of incorporation amended.....	185
Ottawa, county of, <i>Union St. Joseph de St. François de Sales</i> of, incorporated.....	195
Ottawa, irregularities of certain registers of the Sheriff and registrar of, remedied.....	188
Outre-Mont, erection of the municipality of the village d', county of Hochelaga.....	232

P

Panet, Dame Marie Louise, authorized to dispose of certain substituted real estate.....	477
Parish of the <i>Patronage St. Joseph</i> , annexation of a certain territory, to the.....	144
“ of St. Victor de Tring, annexation of a part of Broughton, to the.....	151
“ of St. Paul l'Ermite, Vaudry Island annexed to the.....	152
“ of Sainte Pudentience, Shefford, erected into a municipality	230

	PAGE.
Parishes, certain, erected in Montreal.....	148
" erection of, act amended.....	148
Parsons, Nancy P. authorized to sell a substituted real estate.....	480
Patronage St. Joseph, annexation of a territory to the parish of the,	144
Pharmacy, act respecting.....	157
Pointe Levis and Indian Cove, junction railway, act amended....	165
Poisons, sale and distribution of.....	160
Practice, corrupt, in parliamentary elections.....	67
Presbyterian—See Church.	
Procedure, civil, amendment to the.....	121
" " seizure of the salaries of public officers.....	128
Profession, medical, act (C. S. L. C., ch. 71,) amended.....	156
Proprietors' loan, Canada, Landed, company, incorporated.....	407
Province, division line between Quebec and Ontario.....	21

Q

Quebec, act of incorporation of the city of, amended.....	238
Quebec central railway company, new name of "The Sherbrooke, Eastern townships and Kennebec railway company"....	168
Quebec license act, further amended.....	18
Quebec, Russell Hotel Company of, incorporated.....	464
Quebec and Gosford and Lake St. John railway of, act amended..	169
Quebec, society of, to prevent cruelty to animals, incorporated...	898
Quebec Railway act, 1869, amended.....	164

R

Railway, Point Levis and Indian Cove Junction, act amended...	165
" Missisquoi and Black River Valley, act amended.....	166
" Laurentian, act amended.....	167
" Sherbrooke, and Eastern Townships and Kennébec, act amended	168
" Quebec, Gosford and Lake St. John, act amended.....	169
" The Quebec Act, 1869, amended.....	164
Railways, Subsidy to certain.....	14
Registrars—See registration—Registers.	
" who may practice as Notaries.....	137
" notices to be given to.....	125
Registration—See Cadastre.	
Registration division of Montreal may be divided into three.....	129
" division of Bonaventure, divided into two.....	181
Registers, irregularities in certain Registers of Sheriffs and of Re- gistrars, remedied.....	188
Richelieu, General Hospital of the District of, act of incorporation amended	197
Rimouski, irregularities of certain Registers of the Sheriff and Registrar of, &c.....	188
Rimouski, <i>Sœurs de la Charité</i> de, incorporated....	198
Russell Hotel Company, incorporated.....	467

S

<i>Sacré-Cœur de Jésus, Société de Bienfaisance Mutuelle du, de la ville de Lévis, incorporated.....</i>	190
Salaries, seizure of a portion of the, of the Public Officers.....	128
Sale of medicines, law amended.....	156
“ further provisions.....	156
Sale of seigniorial dues.....	139
Sale of poisons.....	160
Seigniorial dues, sales of.....	139
Seizure of a portion of the salaries of Public Officers.....	128
Sciences, National Institute of fine arts, &c., incorporated.....	203
Sherbrooke, railway of, and of the Eastern Townships and Ken- nébec, act amended.....	168
“ Manufacturing company, incorporated.....	449
“ Gas Company, incorporated.....	455
Sheriff—See registers.	
“ of Gaspé, deeds of sale of Vibert, ex-sheriff, rendered valid.....	134
Small pox—See burials.	
<i>Société de Bienfaisance Mutuelle du Sacré-Cœur de Jésus, de la ville de Lévis, incorporated.....</i>	190
Society of Quebec for preventing cruelty to animals, incorporated	398
Societies, building—See Cashiers, Treasurers.	
<i>Sœurs de la Charité, de Rimouski, incorporated.....</i>	198
Sorel, Wharfage Company, incorporated.....	461
Statutes, Cons. of Can. ch. 76, amended.....	156
“ “ for Lower C. ch. 18, amended.....	145
“ “ ch. 19, amended.....	152
“ “ ch. 68, amended.....	162
“ “ ch. 71, amended.....	156
Steel, Iron and Manufacturing Company of Ottawa, act amended...	452
St. Brigide, Catholic parish of, in Montreal, erected.....	146
<i>St. Enfant Jésus</i> , Catholic parish of, in Montreal, erected.....	146
St. Henri, Catholic parish of, in Montreal, erected	145
“ Town of, proclamation erecting it, to take effect with- out delay.....	234
St. John's Church, Montreal, put in possession of certain real estate	223
<i>St. Joseph, Union, de St. François de Sales</i> , county of Ottawa, in- corporated.....	195
St. Lambert, part of the Municipality of, annexed to the Muni- cipality of the parish of Longueuil.....	231
St. Lawrence Bridge, near St. Helen's Island, Montreal....	179
St. Paul l'Ermite, annexation of Vaudry Island to,	152
St. Pierre, Land and Manufacturing Company of, incorporated....	444
Ste. Pudentienne, parish of, Shefford, erected into a Municipality..	230
St. Sauveur of Quebec, certain powers granted to the Municipality of,	251

	PAGE.
St. Victor de Tring, annexation of a part of Broughton, to.....	151
St. Vincent de Paul, Catholic parish of, in Montreal, erected..	146
Subsidy, additional, for certain Railways.....	14
" Special, to encourage the Manufacture of Beet-root Sugar.	18
Subsidies, general,.....	3
Substitutions, law amended.....	124
" <i>See</i> Bagg, Kerr, Molsons, Pânet, Parsons.	
Sugar, beet-root, encouragement to manufacture the same.....	18
Surgery, act respecting physic, &c., amended.....	156
Sweetsburg, new name of the <i>chef-lieu</i> of Bedford.....	132

T

Testaments, certain defective, rendered valid.....	136
The Windsor Hotel Company of Montreal, incorporated.....	464
Three Rivers, city of, acts of incorporation consolidated.....	253
Town of Beauharnois, act of incorporation, amended.....	304
" of Lachine, act of incorporation, amended.....	320
" of Saint-Henri, proclamation erecting it, to take effect without delay.....	234
Townships, Eastern, Sherbrooke and Kennebec railway, act amended.....	168
Transfer, the Montreal omnibus and, company, of Montreal, act of incorporation, amended.....	185
Treasurers of building societies, may practice as notaries, except in certain cases.....	137
Trinity Church, of Montreal, loan authorized.....	219
Typhus— <i>See</i> Burials.	

U

Union of certain Presbyterian Churches.....	212
<i>Union St. Joseph de St. François de Sales</i> , county of Ottawa, incor- porated....	195

V

Valley, Missisquoi and Black river, railway company, act amended	166
Variola— <i>See</i> Burials.	
Vaudry Island annexed to the municipality of St. Paul l'Ermite..	152
Vibert, P., ex-sheriff of Gaspé, deeds of sales rendered valid.....	134
Village of Hochelaga, municipality of the, authorized to contract loans.....	233
Village d'Outre-Mont, county of Hochelaga, erection of the municipality of the.....	232

W

Wharfage Company of Sorel, incorporated... ..	461
Windsor Hotel Company of Montreal, incorporated.....	464

Y

Young Women's Christian Association of Montreal, incorporated.	201
--	-----

Stanford Law Library



3 6105 062 597 591

